

CLOSED, ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:04-cv-04151-AKH**

American Civil Liberties Union et al v. Department of Defense
et al

Assigned to: Judge Alvin K. Hellerstein

Related Cases: 1:09-cv-05413-AKH

1:10-cv-07092-AKH

Cause: 05:552 Freedom of Information Act

Plaintiff

American Civil Liberties Union

Date Filed: 06/02/2004

Date Terminated: 09/28/2012

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

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Plaintiff

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V.

Defendant

Department of Defense
*and its componets Department of Army,
Department of Navy, Department of Air
Force, Defense Intelligence Agency*
TERMINATED: 09/19/2008

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Defendant

Department Of Justice
*and its Compnents Civil Rights Division,
Criminal Division, Office of Information
and Privacy, Office of Intelligence, Policy
amd Review, Federal Bureau of
Investigation*
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Date Filed	#	Docket Text
06/02/2004	<u>1</u>	COMPLAINT against Central Intelligence Agency, Department Of Homeland Security, Department Of Justice, Department of Defense, Department of State. (Filing Fee \$ 150.00, Receipt Number 510269) Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace.(gf,) Additional attachment(s) added on 6/7/2004 (gf,). (Entered: 06/03/2004)
06/02/2004		SUMMONS ISSUED as to Central Intelligence Agency, Department Of Homeland Security, Department Of Justice, Department of Defense, Department of State. (gf,) (Entered: 06/03/2004)
06/02/2004		Magistrate Judge Douglas F. Eaton is so designated. (gf,) (Entered: 06/03/2004)
06/02/2004		Case Designated ECF. (gf,) (Entered: 06/03/2004)
06/29/2004		***REJECTION OF ATTEMPTED PAPER FILING IN ECF CASE. The following document(s) affidavit of service by Lawrence S. Lustberg, was rejected by the Clerk's Office and must be FILED ELECTRONICALLY on the Court's ECF System. (snu,) (Entered: 07/02/2004)
07/06/2004	<u>2</u>	FIRST MOTION for Preliminary Injunction. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Ching, Jennifer) (Entered: 07/06/2004)
07/06/2004	<u>3</u>	MOTION for Preliminary Injunction. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Ching, Jennifer) (Entered: 07/06/2004)

07/06/2004	<u>4</u>	MOTION for Preliminary Injunction. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit # <u>10</u> Exhibit # <u>11</u> Exhibit # <u>12</u> Exhibit # <u>13</u> Exhibit)(Ching, Jennifer) (Entered: 07/06/2004)
07/06/2004	<u>5</u>	FIRST AMENDED COMPLAINT against all defendants.Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Attachments: # <u>1</u> Supplement)(Ching, Jennifer) (Entered: 07/06/2004)
07/06/2004		***REJECTION OF ATTEMPTED PAPER FILING IN ECF CASE. The following document(s) notice of motion and declaration by Lawrence Lustberg, was rejected by the Clerk's Office and must be FILED ELECTRONICALLY on the Court's ECF System. (snu,) (Entered: 07/09/2004)
07/28/2004	<u>6</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 7/22/04. Defendants' time to respond to the amended complaint is extended to 7/30/04. Defendants' Response to plaintiffs' motion for preliminary injunction due by 7/30/2004. Reply due by 8/6/2004. Oral Argument set for 8/12/2004 03:00 PM before Judge Alvin K. Hellerstein. (Signed by Judge Alvin K. Hellerstein on 7/27/04) (kw,) (Entered: 07/28/2004)
07/28/2004		Set Answer Due Date purs. to <u>6</u> Endorsed Letter,, Set Scheduling Order Deadlines, as to Central Intelligence Agency answer due on 7/30/2004; Department Of Homeland Security answer due on 7/30/2004; Department Of Justice answer due on 7/30/2004; Department of Defense answer due on 7/30/2004; Department of State answer due on 7/30/2004. (kw,) (Entered: 07/28/2004)
07/30/2004	<u>7</u>	ANSWER to Amended Complaint. Document filed by Central Intelligence Agency, Department Of Homeland Security, Department Of Justice, Department of Defense, Department of State. Related document: <u>5</u> Amended Complaint, filed by Center for Constitutional Rights, Inc., American Civil Liberties Union, Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace.(Lane, Sean) (Entered: 07/30/2004)
07/30/2004	<u>8</u>	MEMORANDUM OF LAW in Opposition re: <u>2</u> FIRST MOTION for Preliminary Injunction., <u>3</u> MOTION for Preliminary Injunction., <u>4</u> MOTION for Preliminary Injunction.. Document filed by Central Intelligence Agency, Department Of Homeland Security, Department Of Justice, Department of Defense, Department of State. (Lane, Sean) (Entered: 07/30/2004)
07/30/2004	<u>9</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of Sean H. Lane in Opposition re: <u>2</u> FIRST MOTION for Preliminary Injunction., <u>3</u> MOTION for Preliminary Injunction, <u>4</u> MOTION for Preliminary Injunction. Document filed by Central Intelligence Agency, Department Of Homeland Security, Department Of Justice, Department of Defense, Department of State. (Lane, Sean) Modified on 8/6/2004 (kg,). (Entered: 07/30/2004)
07/30/2004	<u>10</u>	DECLARATION of Sean H. Lane in Opposition re: <u>2</u> FIRST MOTION for Preliminary Injunction., <u>3</u> MOTION for Preliminary Injunction., <u>4</u> MOTION for Preliminary Injunction.. Document filed by Central Intelligence Agency, Department Of Homeland Security, Department Of Justice, Department of Defense, Department of State. (Attachments: # <u>1</u> Exhibits to Lane Declaration)(Lane, Sean) (Entered: 07/30/2004)
07/30/2004	<u>11</u>	DECLARATION of C. Y. Talbott in Opposition re: <u>2</u> FIRST MOTION for Preliminary Injunction., <u>3</u> MOTION for Preliminary Injunction., <u>4</u> MOTION for Preliminary Injunction.. Document filed by Central Intelligence Agency, Department Of Homeland Security, Department Of Justice, Department of Defense, Department of State. (Lane, Sean) (Entered: 07/30/2004)
08/06/2004	<u>12</u>	FIRST REPLY MEMORANDUM OF LAW in Support re: <u>2</u> FIRST MOTION for Preliminary Injunction.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Attachments: # <u>1</u> Exhibit Exhibits 14–16# <u>2</u> Affidavit Certification of Service)(Ching, Jennifer) (Entered: 08/06/2004)
08/17/2004	<u>13</u>	STIPULATION AND ORDER: regarding the procedures that will govern the documents sought by the plaintiffs in their October 2003 and May 2004 FOIA requests. (Signed by Judge Alvin K. Hellerstein on 8/17/04) (kw,) (Entered: 08/18/2004)
09/07/2004	<u>14</u>	ENDORSED LETTER addressed to Judge Hellerstein from Jennifer Ching dated 08/30/04 re: counsel is granted an extension of two days to complete the negotiation of a FOIA processing schedule. The parties will send their completed order to the Court by close of business on Wednesday, 09/01/04; (Signed by Judge Gerard E. Lynch – Part I on 8/31/04) (djc,) Modified on

		9/8/2004 (dj,). (Entered: 09/08/2004)
09/07/2004	<u>15</u>	ENDORSED LETTER addressed to Judge Hellerstein from Jennifer Ching dated 09/02/04 re: the conference is adjourned to Friday, September 10 at 11:00 a.m.. (Signed by Judge Alvin K. Hellerstein on 9/7/04) (dj,) (Entered: 09/08/2004)
09/15/2004	<u>16</u>	OPINION AND ORDER #90641: I order that by 10/15/04 defendants must produce or identify all responsive documents as set forth in this document. The parties shall appear on 10/25/04 for a status conference. (Signed by Judge Alvin K. Hellerstein on 9/15/04) (kw,) Modified on 10/28/2004 (ae,). (Entered: 09/15/2004)
09/21/2004	17	TRANSCRIPT of proceedings held on 9/10/04 before Judge Alvin K. Hellerstein.(pa,) (Entered: 09/21/2004)
10/19/2004	<u>18</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT (Letter) – STATUS REPORT. <i>Government Report on Compliance with September 15, 2004 Order and Request for Limited Relief from that Order</i> Document filed by Central Intelligence Agency, Department Of Justice, Department of Defense, Department of State.(Skinner, Peter) Modified on 5/9/2005 (st,). (Entered: 10/19/2004)
10/19/2004	<u>19</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – STATUS REPORT. <i>Declaration of Marilyn A. Dorn in Support of Government's Report on Compliance and Request for Limited Relief</i> Document filed by Central Intelligence Agency.(Skinner, Peter) Modified on 5/9/2005 (st,). (Entered: 10/19/2004)
10/19/2004	<u>20</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – STATUS REPORT. <i>Declaration of Scott A. Koch in Support of Government's Report on Compliance and Request for Limited Relief</i> Document filed by Central Intelligence Agency.(Skinner, Peter) Modified on 5/9/2005 (st,). (Entered: 10/19/2004)
10/19/2004	<u>21</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – STATUS REPORT. <i>Declaration of Stewart F. Aly in Support of Government's Report on Compliance and Request for Limited Relief</i> Document filed by Department of Defense.(Skinner, Peter) Modified on 5/10/2005 (st,). (Entered: 10/19/2004)
10/19/2004	<u>22</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – STATUS REPORT. <i>Declaration of Margaret B. Baines in Support of Government's Report on Compliance and Request for Limited Relief</i> Document filed by Department of Defense.(Skinner, Peter) Modified on 5/10/2005 (st,). (Entered: 10/19/2004)
10/19/2004	<u>23</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – STATUS REPORT. <i>Declaration of Brian S. Kinsey in Support of Government's Report on Compliance and Request for Limited Relief</i> Document filed by Department of Defense.(Skinner, Peter) Modified on 5/10/2005 (st,). (Entered: 10/19/2004)
10/19/2004	<u>24</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – STATUS REPORT. <i>Declaration of Philip J. McGuire in Support of Government's Report on Compliance and Request for Limited Relief</i> Document filed by Department of Defense.(Skinner, Peter) Modified on 5/10/2005 (st,). (Entered: 10/19/2004)
10/19/2004	<u>25</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – STATUS REPORT. <i>Declaration of Samuel W. Morris in Support of Government's Report on Compliance and Request for Limited Relief</i> Document filed by Department of Defense.(Skinner, Peter) Modified on 5/10/2005 (st,). (Entered: 10/19/2004)
10/19/2004	<u>26</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – STATUS REPORT. <i>Declaration of Robert Storer in Support of Government's Report on Compliance and Request for Limited Relief</i> Document filed by Department of Defense.(Skinner, Peter) Modified on 5/10/2005 (st,). (Entered: 10/19/2004)
10/19/2004	<u>27</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – STATUS REPORT. <i>First Declaration of Margaret P. Grafeld in Support of Government's Report on Compliance and Request for Limited Relief</i> Document filed by Department of State. (Attachments: # <u>1</u> Exhibit <u>1</u> # <u>2</u> Exhibit <u>2</u> # <u>3</u> Exhibit <u>3</u> # <u>4</u> Exhibit <u>4</u> # <u>5</u> Exhibit <u>5</u> # <u>6</u> Exhibit <u>6</u> # <u>7</u> Exhibit <u>7</u> # <u>8</u> Exhibit <u>8</u> # <u>9</u> Exhibit <u>9</u> # <u>10</u> Exhibit <u>10</u>)(Skinner, Peter) Modified on 5/10/2005 (st,). (Entered: 10/19/2004)
10/19/2004	<u>28</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – STATUS REPORT. <i>Second Declaration of Margaret P. Grafeld in Support of Government's Report on</i>

		<i>Compliance and Request for Limited Relief</i> Document filed by Department of State.(Skinner, Peter) Modified on 5/10/2005 (st,). (Entered: 10/19/2004)
10/19/2004	<u>29</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – STATUS REPORT. <i>Declaration of Keith R. Gehle in Support of Government's Report on Compliance and Request for Limited Relief</i> Document filed by Department Of Justice.(Skinner, Peter) Modified on 5/10/2005 (st,). (Entered: 10/19/2004)
10/20/2004	<u>30</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – STATUS REPORT. <i>Declaration of Steven G. Bradbury in Support of Government's Report on Compliance and Request for Limited Relief</i> Document filed by Department Of Justice.(Skinner, Peter) Modified on 5/10/2005 (st,). (Entered: 10/20/2004)
10/20/2004	<u>31</u>	CERTIFICATE OF SERVICE of Government Report on Compliance and Request for Limited Relief and Accompanying Declarations served on ACLU, et al. on 10/16/2004. Document filed by Central Intelligence Agency, Department Of Justice, Department of Defense, Department of State. (Skinner, Peter) (Entered: 10/20/2004)
10/25/2004		Minute Entry for proceedings held before Judge Alvin K. Hellerstein : Status Conference held on 10/25/2004. (jeh,) (Entered: 10/28/2004)
10/26/2004	<u>32</u>	FILING ERROR – ELECTRONIC FILING FOR NON-ECF DOCUMENT – STATUS REPORT. <i>Second Government Report on Compliance with September 15, 2004 Order</i> Document filed by Central Intelligence Agency, Department Of Justice, Department of Defense, Department of State.(Skinner, Peter) Modified on 5/10/2005 (st,). (Entered: 10/26/2004)
10/26/2004	<u>33</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – STATUS REPORT. <i>Declaration of David M. Hardy in Support of Second Government Report on Compliance with September 15, Order</i> Document filed by Department Of Justice. (Attachments: # <u>1</u> Exhibit A)(Skinner, Peter) Modified on 5/10/2005 (st,). (Entered: 10/26/2004)
10/26/2004	<u>34</u>	CERTIFICATE OF SERVICE of Second Government Report on Compliance and Accompanying Declaration served on ACLU, et al. on 10/22/2004. Document filed by Department Of Justice. (Skinner, Peter) (Entered: 10/26/2004)
11/01/2004	<u>35</u>	ORDER as to plaintiffs' Freedom of Information Act demands dated 8/16/04: plaintiffs, by 10/29/04, shall identify the issues they believe are ripe for summary judgment; the parties shall then file motions and supporting and opposing papers according to a schedule to which they mutually agree; as to all outstanding documents responsive to plaintiffs' FOIA demands dated 8/16/04, unless specifically directed otherwise herein, defendants shall provide substantially complete responses by 11/8/04, subject to good faith exception as to any documents not capable of identification and response by said date; as to defendant Department of Defense: defendant shall provide substantially complete responses to all other pending FOIA demands by plaintiffs by 1/31/05, and partial responses to all other pending FOIA demands by plaintiffs by 1/31/05, and partial responses, at a rate reflecting identification and review of at least 10,000 pages per month, by 11/30/04 and 12/31/04, etc. as further set forth in this Order. The parties shall appear on 11/16/04 at 4 p.m. for the next status and case management conference. So Ordered. (Signed by Judge Alvin K. Hellerstein on 10/25/04) (jco) (Entered: 11/03/2004)
11/05/2004	36	TRANSCRIPT of proceedings held on 10/25/04 before Judge Alvin K. Hellerstein.(Belfiore, John) (Entered: 11/05/2004)
11/08/2004	<u>37</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Peter M. Skinner dated 11/4/04 re: the C.I.A. requests the following briefing schedule: C.I.A.'s motion papers due 11/10/04; opposition papers due 11/19/04 and reply papers due 12/1/04. Application GRANTED. (Signed by Judge Alvin K. Hellerstein on 11/8/04) (db,) (Entered: 11/09/2004)
11/08/2004		Set/Reset Deadlines: Motions due by 11/10/2004. Replies due by 12/1/2004. Responses due by 11/19/2004 (db,) (Entered: 11/09/2004)
11/10/2004	<u>38</u>	MOTION to Stay <i>the Court's September 15, 2004 Order</i> . Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 11/10/2004)
11/11/2004	<u>39</u>	MEMORANDUM OF LAW in Support re: <u>38</u> MOTION to Stay <i>the Court's September 15, 2004 Order</i> .. Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 11/11/2004)
11/11/2004	<u>40</u>	DECLARATION of Mona B. Alderson in Support re: <u>38</u> MOTION to Stay <i>the Court's September 15, 2004 Order</i> .. Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 11/11/2004)

		11/11/2004)
11/11/2004	<u>41</u>	CERTIFICATE OF SERVICE of Papers in Support of Motion for Limited Relief from September 15, 2004 Order served on ACLU, et al. on November 10, 2004. Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 11/11/2004)
11/18/2004	<u>42</u>	TRANSCRIPT of proceedings before Judge Alvin K. Hellerstein.(Martin, Leslie) (Entered: 11/18/2004)
11/29/2004	<u>43</u>	MEMORANDUM OF LAW in Opposition re: <u>38</u> MOTION to Stay <i>the Court's September 15, 2004 Order</i> .. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Lustberg, Lawrence) (Entered: 11/29/2004)
12/06/2004	<u>44</u>	ORDER; by December 30, 2004, plaintiffs shall file their motion for summary judgment regarding selected documents on plaintiffs' list of seventy items dated August 16, 2004 as set forth in plaintiffs' letter dated October 29, 2004; Government's opposition due by 01/28/05; Plaintiffs shall file their reply by 02/11/05; defendants shall file their reply brief in support of any cross motion by 02/25/05... By December 15, 2004, the Government shall serve upon plaintiffs a final administrative response to plaintiffs' FOIA requests, together with any responsive documents appropriate for release, on behalf of the FBI and CIA;...the Court will hold a conference with the parties on February 22, 2005 at 4:00 p.m. to resolve any remaining issues; (Signed by Judge Alvin K. Hellerstein on 12/2/04) (dj,) (Entered: 12/06/2004)
12/08/2004	<u>45</u>	REPLY MEMORANDUM OF LAW in Support re: <u>38</u> MOTION to Stay <i>the Court's September 15, 2004 Order</i> .. Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 12/08/2004)
12/20/2004		MEMORANDUM TO THE DOCKET CLERK: Oral Argument held on 12/20/04 on motion for CIA application limited relief from 09/15/04 order (dj,) (Entered: 01/04/2005)
01/06/2005	<u>46</u>	TRANSCRIPT of proceedings held on 12/20/04 (jog,) (Entered: 01/06/2005)
01/13/2005	<u>47</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – MOTION for Summary Judgment , <i>Partial</i> . Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Attachments: # <u>1</u> Memorandum of Law in Support# <u>2</u> Exhibit A–C# <u>3</u> Exhibit D–H# <u>4</u> Exhibit I–L# <u>5</u> Exhibit M# <u>6</u> Exhibit N, part one# <u>7</u> Exhibit N, part two# <u>8</u> Exhibit O–Q)(Batsides, Demetrios) Modified on 9/21/2005 (sn). (Entered: 01/13/2005)
01/18/2005	<u>48</u>	MOTION for Partial Summary Judgment. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Attachments: # <u>1</u> Memorandum of Law in Support# <u>2</u> Exhibit A–C# <u>3</u> Exhibit D–H# <u>4</u> Exhibit I–L# <u>5</u> Exhibit M# <u>6</u> Exhibit N, part one# <u>7</u> Exhibit N, part two# <u>8</u> Exhibit O–Q)(Lustberg, Lawrence) (Entered: 01/18/2005)
02/01/2005	<u>49</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 1/28/05 re: counsel request an extension of time for the Department of Defense to complete its processing and production of all documents responsive to plaintiffs's FOIA requests in this case. Defendant shall continue its rate of proceedings, but in volumes at least 15% greater than in previous months. (Signed by Judge Alvin K. Hellerstein on 2/1/05) (sac,) (Entered: 02/02/2005)
02/02/2005	<u>50</u>	OPINION AND ORDER #91205 re: I deny the CIA's motion for a stay of its obligation to comply with my Opinion and Order of 9/15/04. The CIA shall search and review in response to plaintiffs' FOIA requests,as described in my Opinion and Order of 9/15/04. If the parties cannot comply with the schedule for filing summary judgment papers heretofore ordered, they shall propose a revised schedule by joint letter to be submitted by 2/12/05; <u>38</u> MOTION to Stay, the Court's September 15, 2004 Order, filed by Central Intelligence Agency,. (Signed by Judge Alvin K. Hellerstein on 2/2/05) (sac,) Modified on 2/14/2005 (snu,). (Entered: 02/02/2005)
02/08/2005	<u>51</u>	MOTION to Stay re: <u>50</u> Memorandum & Opinion,, <i>Pending Consideration of Appeal</i> . Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 02/08/2005)
02/08/2005	<u>52</u>	MEMORANDUM OF LAW in Support re: <u>51</u> MOTION to Stay re: <u>50</u> Memorandum & Opinion,, <i>Pending Consideration of Appeal</i> .. Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 02/08/2005)
02/15/2005	<u>56</u>	ENDORSED LETTER addressed to Judge Alvin H. Hellerstein from Saen H. Lane dated 2/11/05 re: Counsel writes to propose the following schedule Government's opposition and cross motion

		2/24/05; plaintiffs' opposition and reply brief; Government's reply brief 3/24/05. And for the Court to grant the parties an extension of time to submit their summary judgment papers in accordance with the proposed schedule. So Ordered. (Signed by Judge Alvin K. Hellerstein on 2/15/05) (jco,) (Entered: 02/18/2005)
02/16/2005	<u>53</u>	MOTION for Reconsideration re; <u>50</u> Memorandum & Opinion,,. Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 02/16/2005)
02/16/2005	<u>54</u>	MEMORANDUM OF LAW in Support re: <u>53</u> MOTION for Reconsideration re; <u>50</u> Memorandum & Opinion,,. Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 02/16/2005)
02/16/2005	<u>55</u>	DECLARATION of Marilyn A. Dorn in Support re: <u>53</u> MOTION for Reconsideration re; <u>50</u> Memorandum & Opinion,,. Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 02/16/2005)
02/18/2005	<u>57</u>	ORDER denying <u>51</u> Motion to Stay . (Signed by Judge Alvin K. Hellerstein on 2/18/2005) (jp,) (Entered: 02/23/2005)
02/18/2005	<u>58</u>	ORDER REGULATING PROCEDURES; re: <u>53</u> MOTION for Reconsideration: Responses due by 2/25/2005; the issues will be heard on 3/4/2005 at 2:00 p.m. (Signed by Judge Alvin K. Hellerstein on 2/18/2005) (jp,) (Entered: 02/23/2005)
02/18/2005	<u>60</u>	ORDER that plntfs are instructed to file their opposition, if any, to this newest submission by 2/25/05. The issues will be heard on 3/4/05 at 2 pm. (Signed by Judge Alvin K. Hellerstein on 2/18/05) (cd,) (Entered: 03/01/2005)
02/23/2005	<u>63</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 2/22/05 re: Gov't opposition and cross motion due 3/10/05; Plaintiffs' opposition and reply brief; Gov't reply brief due 4/7/05. (Signed by Judge Alvin K. Hellerstein on 2/23/05) (pl,) (Entered: 03/04/2005)
02/24/2005	<u>59</u>	FIRST MEMORANDUM OF LAW in Opposition re: <u>53</u> MOTION for Reconsideration re; <u>50</u> Memorandum & Opinion,,. <i>Opposition to Defendant CIA's Motion for Partial Relief</i> . Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Lustberg, Lawrence) (Entered: 02/24/2005)
02/25/2005		Minute Entry for proceedings held before Judge Alvin K. Hellerstein : Status Conference held on 2/25/2005. (db,) (Entered: 03/03/2005)
02/28/2005	<u>62</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Lawrence S. Lustberg dated 2/18/05 re: the parties shall meet face to face and confer. Issues notcompromised can be advised to me at the argument of 3/4/05. (Signed by Judge Alvin K. Hellerstein on 2/25/05) (pl,) (Entered: 03/04/2005)
03/01/2005	<u>64</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein. from Sean H. Lane dated 2/28/05 re: granting requests for a 3 day extension ot time for the dfts dept. of defense to compelte its processing obligations for the month of February. (Signed by Judge Alvin K. Hellerstein on 3/1/05) (pl,) (Entered: 03/04/2005)
03/02/2005	<u>61</u>	REPLY MEMORANDUM OF LAW in Support re: <u>53</u> MOTION for Reconsideration re; <u>50</u> Memorandum & Opinion,,. Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 03/02/2005)
03/09/2005	<u>65</u>	DECLARATION of Marilyn Dorn in Support re: <u>53</u> MOTION for Reconsideration re; <u>50</u> Memorandum & Opinion,,. Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 03/09/2005)
03/10/2005	<u>66</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean Lane dated 3/9/05 re: counsel for the government requests an 11 day extension of time until 3/21/05 for the government to respond to plaintiffs' motion for partial summary judgment and cross motion; plaintiffs' opposition and reply brief 4/4/05; government's reply brief 4/18/05. Motion granted. (Signed by Judge Alvin K. Hellerstein on 3/9/05) (dle,) (Entered: 03/14/2005)
03/10/2005		Set/Reset Deadlines as to <u>48</u> MOTION for Partial Summary Judgment., <u>47</u> MOTION for Summary Judgment , <i>Partial</i> .. Responses due by 3/21/2005 Replies due by 4/4/2005. (dle,) (Entered: 03/14/2005)
03/22/2005	<u>67</u>	ORDER; defendant Dept. of Defense will process 8,000 pages of responsive documents every fifteen days.. Docmts to be released will be served by the Gov't on the 15th and last day of each

		month, with the parties to work out a schedule for the month of March; on or before 04/15/05, as per the Court's 02/02/05 Order, defendant Central Intelligence Agency will complete processing of the investigative files in the Office of the Inspector General; On or before 04/04/05, the FBI will produce a declaration, as specified in vaughn v. Rosen.... (Signed by Judge Alvin K. Hellerstein on 3/22/05) (djc,) (Entered: 03/23/2005)
03/22/2005	<u>71</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 3/18/05 re: motion granted; extension until 3/25/05, for Gov't to respond to plaintiffs motion for Partial Summary Judgment. (Signed by Judge Alvin K. Hellerstein on 3/22/05) (pl,) (Entered: 03/28/2005)
03/24/2005	68	TRANSCRIPT of proceedings held on 3/4/05 before Judge Alvin K. Hellerstein. (lma,) (Entered: 03/24/2005)
03/25/2005	69	TRANSCRIPT of proceedings held on 03/04/05 before Judge Alvin K. Hellerstein. (es,) (Entered: 03/25/2005)
03/25/2005	<u>70</u>	ENDORSED LETTER addressed to Judge Hellerstein from Sean H. Lane dated 3/25/05 re: the following schedule is granted; Government's opposition and cross motion due 03/31/05; plaintiffs' opposition and reply brief due 04/14/05; Government's reply brief due April 28, 2005. (Signed by Judge Alvin K. Hellerstein on 3/25/05) (djc,) (Entered: 03/28/2005)
03/28/2005	<u>82</u>	NOTICE TO PARTIES. The date and time for Argument on plaintiffs' motion for partial summary is set for 5/11/2005 at 04:00 PM, at 500 Pearl Street, Courtroom 14D. No further adjournments will be granted. The Court desires a prompt response from the department of defense to the complaints expressed in the letter of Megan Lewis dated 3/28/05, specifically, an explanation as to why fewer document have been proceesed than the number the parties agreed should be processed, and why productions to plaintiffs have been delayed beyond due dates until after public disclosures were made (Signed by Judge Alvin K. Hellerstein on 3/28/05) (yv,) (Entered: 04/01/2005)
03/30/2005	<u>72</u>	MOTION for Summary Judgment. Document filed by Central Intelligence Agency, Department of Defense. Responses due by 4/14/2005 Return Date set for 5/11/2005 04:00 PM. (Skinner, Peter) (Entered: 03/30/2005)
03/30/2005	<u>73</u>	RULE 56.1 STATEMENT. Document filed by Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 03/30/2005)
03/30/2005	<u>74</u>	DECLARATION of Charles A. Allen in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, Department of Defense. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Skinner, Peter) (Entered: 03/30/2005)
03/30/2005	<u>75</u>	DECLARATION of Stewart F. Aly in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, Department of Defense. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F)(Skinner, Peter) (Entered: 03/30/2005)
03/30/2005	<u>76</u>	DECLARATION of Diane E. Beaver in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 03/30/2005)
03/30/2005	<u>77</u>	DECLARATION of Geoffrey S. Corn in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 03/30/2005)
03/30/2005	<u>78</u>	DECLARATION of Edward R. Cummings in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, Department of Defense. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D)(Skinner, Peter) (Entered: 03/30/2005)
03/30/2005	<u>79</u>	DECLARATION of Marilyn A. Dorn in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, Department of Defense. (Attachments: # <u>1</u> Exhibit A)(Skinner, Peter) (Entered: 03/30/2005)
03/30/2005	<u>80</u>	MEMORANDUM OF LAW in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 03/30/2005)
03/31/2005	<u>81</u>	DECLARATION of Phillip J. McGuire in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 03/31/2005)

04/05/2005	<u>83</u>	ORDER; DOD's motion is denied. DOD shall use zealous and good faith efforts to bring itself into compliance with the schedule provided by the consent order of 3/22/05. (Signed by Judge Alvin K. Hellerstein on 4/5/05) (sac,) (Entered: 04/06/2005)
04/12/2005		MEMORANDUM TO THE DOCKET CLERK: In camera proceedings held 4/12/05. (ae,) (Entered: 04/21/2005)
04/14/2005	<u>84</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Megan Lewis dated 4/13/05 re: granting request for the filing of plaintiff's brief on 4/21/05. (Signed by Judge Alvin K. Hellerstein on 4/13/05) (pl,) (Entered: 04/15/2005)
04/15/2005	<u>85</u>	ORDER ; denying motion for stay (superceding order of 4/5/05). (Signed by Judge Alvin K. Hellerstein on 4/7/05) (pl,) (Entered: 04/15/2005)
04/18/2005	<u>86</u>	ORDER; that the CIA has satisfied the procedural requirements of the CIA Information Act, 50 U.S.C. section 431(a), and has established that information responsive to plaintiffs' FOIA requests likely would be found in those operational files that have been designated as exempt from FOIA; that, in accordance with the remainder of the court's 2/2/05 Opinion and Order, the CIA obligation to search to search and review not to operation files, but only to relevant documents that have already been identified and produced to, or otherwise collected by, CIA's Office of Inspector General (Signed by Judge Alvin K. Hellerstein on 4/18/05) (pl,) Modified on 4/19/2005 (pl,). (Entered: 04/19/2005)
04/18/2005	<u>87</u>	ORDER; that CIA's request for an extension of time until 7/15/05 to complete processing of documents is rejected without prejudice, and maybe renewed in complaint with chambers Rule 1D. (Signed by Judge Alvin K. Hellerstein on 4/18/05) (pl,) (Entered: 04/20/2005)
04/21/2005	<u>88</u>	ENDORSED LETTER addressed to Judge Hellerstein from Megan Lewis dated 4/13/05 re: request for an extension of time within which to file opposition to defendants' motion for partial summary judgment and reply in support of plaintiffs' motion for partial summary judgment to 4/28/05., Set Deadlines/Hearing as to <u>48</u> MOTION for Partial Summary Judgment., <u>72</u> MOTION for Summary Judgment.: Responses due by 4/28/2005. Replies due by 4/28/2005. Application granted (Signed by Judge Alvin K. Hellerstein on 4/20/05) (yv,) (Entered: 04/22/2005)
04/28/2005	<u>89</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MEMORANDUM OF LAW in Opposition re: <u>72</u> MOTION for Summary Judgment.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc.. (Attachments: # <u>1</u> Memo part 2# <u>2</u> Exhibits 1 through 6# <u>3</u> Scott Horton Declaration# <u>4</u> Horton Declaration exhibits A and B# <u>5</u> Marco Sassoli Declaration with Exhibit A)(Lustberg, Lawrence) Modified on 5/9/2005 (st,). (Entered: 04/28/2005)
04/28/2005	<u>90</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – NOTICE of Statement Pursuant to Local Rule 56.1. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc.. (Lustberg, Lawrence) Modified on 5/9/2005 (st,). (Entered: 04/28/2005)
04/29/2005	<u>91</u>	MEMORANDUM OF LAW in Opposition re: <u>47</u> MOTION for Summary Judgment , <i>Partial</i> ., <u>72</u> MOTION for Summary Judgment.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc.. (Attachments: # <u>1</u> Part two of Memorandum# <u>2</u> Exhibits 1 through 6# <u>3</u> Scott Horton Declaration in Support# <u>4</u> Horton Declaration Exhibits A and B# <u>5</u> Marco Sassoli Declaration in Support with Exhibit A)(Lustberg, Lawrence) (Entered: 04/29/2005)
04/29/2005	<u>92</u>	COUNTER STATEMENT TO <u>73</u> Rule 56.1 Statement. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc.. (Lustberg, Lawrence) (Entered: 04/29/2005)
05/10/2005		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DOCUMENT TYPE ERROR. Note to Attorney Peter M. Skinner to RE-FILE Document <u>26</u> Status Report., <u>19</u> Status Report., <u>27</u> Status Report., <u>20</u> Status Report., <u>28</u> Status Report., <u>29</u> Status Report., <u>30</u> Status Report., <u>21</u> Status Report., <u>22</u> Status Report., <u>23</u> Status Report., <u>24</u> Status Report., <u>33</u> Status Report., <u>25</u> Status Report.. Use the document type Declaration in Support (non-motion) found under the document list Other Answers. (st,) (Entered: 05/10/2005)
05/10/2005		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – NON-ECF DOCUMENT ERROR. Note to Attorney Peter M. Skinner to contact the Judges Chambers on filing Letters Document Nos. [18 and 32] Status Reports. These documents are not filed via ECF. (st,) (Entered: 05/10/2005)
05/12/2005	<u>93</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 5/11/05 re: Counsel writes to request a one week extension until 5/19/05 to file its reply brief relating to the pending motions. So Ordered. (Signed by Judge Alvin K. Hellerstein on 5/12/05) (jco,) (Entered: 05/12/2005)

		05/12/2005)
05/12/2005		Set Deadlines/Hearings: Reply Brief due by 5/19/2005. (jco,) (Entered: 05/12/2005)
05/19/2005	<u>94</u>	REPLY MEMORANDUM OF LAW in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 05/19/2005)
05/19/2005	<u>95</u>	DECLARATION of Stewart F. Aly in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 05/19/2005)
05/19/2005	<u>96</u>	DECLARATION of Michael G. Seidel in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, Department of Defense. (Attachments: # <u>1</u> Exhibit A)(Skinner, Peter) (Entered: 05/19/2005)
05/19/2005	<u>97</u>	RULE 56.1 STATEMENT. Document filed by Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 05/19/2005)
05/23/2005	<u>98</u>	ENDORSED LETTER addressed to Judge Hellerstein from Peter Skinner dated 5/20/05: granting motion of deft CIA for an extension of time until 7/15/05 to complete the processing of documents etc, on condition of no further requests by CIA for enlargement of time. (Signed by Judge Alvin K. Hellerstein on 5/23/05) (cd,) (Entered: 05/23/2005)
05/26/2005		Minute Entry for proceedings held before Judge Alvin K. Hellerstein : Oral Argument held on 5/26/2005 re: corss-motins for SJ. Hearing adjourned until 5/31/05 (pl,) (Entered: 06/02/2005)
05/26/2005		Minute Entry for proceedings held before Judge Alvin K. Hellerstein : Oral Argument held on 5/26/2005 re: <u>47</u> MOTION for Summary Judgment , <i>Partial</i> . filed by Center for Constitutional Rights, Inc., American Civil Liberties Union,, Physicians for Human Rights,, Veterans for Common Sense,, Veterans for Peace,, <u>72</u> MOTION for Summary Judgment. filed by Central Intelligence Agency,, Department of Defense,, <u>48</u> MOTION for Partial Summary Judgment. filed by Center for Constitutional Rights, Inc., American Civil Liberties Union,, Physicians for Human Rights,, Veterans for Common Sense,, Veterans for Peace,, (dle,) (Entered: 06/08/2005)
06/01/2005	<u>100</u>	ORDER: regarding procedures that the Government shall follow in the handling, processing and/or redacting of documents named Government Exhibits GX-1 through GX-9. The Department of Defense shall reprocess and redact the remaining "Darby" photographs by 6/30/05 as further set forth in said Order. (Signed by Judge Denise L. Cote, Part I on 6/1/05) (db,) (Entered: 06/03/2005)
06/03/2005	99	TRANSCRIPT of proceedings held on 05/31/05 before Judge Alvin K. Hellerstein. (es,) (Entered: 06/03/2005)
06/17/2005	102	TRANSCRIPT of proceedings held on 05/31/05 before Judge Alvin K. Hellerstein. (es,) (Entered: 06/17/2005)
06/20/2005	<u>103</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Peter M. Skinner dated 6/16/05 re: counsel for the government requests an extension of the 6/17/05 deadline to report results of their review of documents. The enlargement of time until 7/8/05 is granted. The in camera review will be conducted in chambers at 2:15 p.m., 7/15/05. (Signed by Judge Alvin K. Hellerstein on 6/20/05) (dle,) (Entered: 06/21/2005)
06/23/2005	104	TRANSCRIPT of proceedings held on 5/31/2005 @4:10pm before Judge Alvin K. Hellerstein. (lb,) (Entered: 06/23/2005)
06/27/2005	105	TRANSCRIPT of proceedings held on 5/26/2005 @11:30am before Judge Alvin K. Hellerstein. (lb,) (Entered: 06/27/2005)
07/28/2005	<u>106</u>	ORDER; regarding the procedures that will govern the handling of confidential information. Nothing in this Confidentiality Order shall preclude Plaintiffs from challenging the existence or scope of the Order once they have reviewed the information the Gov't seeks to protect, should they wish to do so. (Signed by Judge Alvin K. Hellerstein on 7/22/05) (pl,) (Entered: 07/28/2005)
07/28/2005	<u>107</u>	ORDER. The Government's request to file a complete and unredacted set of its submission under seal is granted. The Government's request to redact certain portions of its submissions to be publicly filed is granted. The Government shall electronically file a redacted public version of its submission, with redactions clearly delineated, as soon as possible after entry of this Order. Plaintiffs shall file any motion to unseal portions of the Government's submission by 8/3/05 (Signed by Judge Alvin K. Hellerstein on 7/28/05) (yv,) (Entered: 07/28/2005)

07/28/2005	<u>110</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – MOTION for Partial Summary Judgment <i>Supplemental Memorandum in Further Support</i> . Document filed by Department of Defense. (McShain, Heather) Modified on 7/29/2005 (gf,). (Entered: 07/28/2005)
07/28/2005	<u>111</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – DECLARATION of Richard B. Myers in Support re: <u>110</u> MOTION for Partial Summary Judgment <i>Supplemental Memorandum in Further Support</i> .. Document filed by Department of Defense. (Attachments: # <u>1</u>)(McShain, Heather) Modified on 7/29/2005 (gf,). (Entered: 07/28/2005)
07/28/2005	<u>112</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – DECLARATION of Richard Schlicher in Support re: <u>110</u> MOTION for Partial Summary Judgment <i>Supplemental Memorandum in Further Support</i> ., <u>111</u> Declaration in Support. Document filed by Department of Defense. (McShain, Heather) Modified on 7/29/2005 (gf,). (Entered: 07/28/2005)
07/28/2005	<u>113</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – DECLARATION of Phillip J. McGuire in Support re: <u>110</u> MOTION for Partial Summary Judgment <i>Supplemental Memorandum in Further Support</i> ., <u>111</u> Declaration in Support, <u>112</u> Declaration in Support. Document filed by Department of Defense. (Attachments: # <u>1</u>)(McShain, Heather) Modified on 7/29/2005 (gf,). (Entered: 07/28/2005)
07/28/2005	<u>114</u>	SUPPLEMENTAL MEMORANDUM OF LAW in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Department of Defense. (McShain, Heather) (Entered: 07/28/2005)
07/28/2005	<u>115</u>	DECLARATION of Richard B. Myers in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Department of Defense. (Attachments: # <u>1</u>)(McShain, Heather) (Entered: 07/28/2005)
07/28/2005	<u>116</u>	DECLARATION of Ronald Schlicher in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Department of Defense. (McShain, Heather) (Entered: 07/28/2005)
07/28/2005	<u>117</u>	DECLARATION of Phillip J. McGuire in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Department of Defense. (Attachments: # <u>1</u>)(McShain, Heather) (Entered: 07/28/2005)
08/03/2005	<u>118</u>	MOTION to File Amicus Brief. Document filed by Advance Publications, Inc., American Society of Newspaper Editors, CBS Broadcasting, Inc., CBS Broadcastings, Inc., Investigative Reporters and Editors, Inc., NBC Universal, Inc., Reporters Committee for Freedom of the Press, The E.W. Scripps Company, The Hearst Corporation, The National Newspaper Association, The New York Times Co., The Newspaper Guild–CWA, The Radio–Television News Directors Association, The Society of Professional Journalists, The Tribune Company. (Attachments: # <u>1</u> # <u>2</u> Affidavit Declaration of David B. Smallman# <u>3</u> Exhibit Exhibit 1: Proposed Brief Amici Curiae)(Smallman, David) (Entered: 08/03/2005)
08/03/2005	<u>119</u>	ORDER REGULATION PROCEDURES. (Signed by Judge Alvin K. Hellerstein on 8/3/05) (pl,) (Entered: 08/04/2005)
08/05/2005	<u>120</u>	ORDER granting <u>118</u> Motion to File Amicus Brief . Leave to file the brief. Amici Curiae is granted. The brief will be considered. (Signed by Judge Alvin K. Hellerstein on 8/5/05) (jco,) (Entered: 08/08/2005)
08/08/2005	<u>121</u>	ORDER plaintiffs will submit their opposition to Defendant's Supplemental Partial Summary Judgment Motion, and their motion to vacate the Protective Order entered 7/22/05, and accompanying memorandum of law, by Wednesday, 8/3/05; defendant will submit their opposition and reply by Wednesday, 8/10/05; and plaintiffs will submit their reply on 8/12/05; (2) a hearing on this matter will held on 8/15/05 at 10:00 a.m.– 12:30 noon, part of this will be closed to the public. (3) Defendant is directed to designate publicity those sections of its Memo of Law and accompanying declarations that were provided to Plaintiffs but not to the public. (Signed by Judge Alvin K. Hellerstein on 8/8/05) (jco,) Additional attachment(s) added on 8/11/2005 (jco,). Modified on 8/11/2005 (jco,). (Entered: 08/09/2005)
08/08/2005		Set Deadlines/Hearings: Motions due by 7/22/2005. Replies due by 8/12/2005. Responses due by 8/10/2005 (jco,) (Entered: 08/09/2005)
08/08/2005	<u>122</u>	ORDER PERMITTING BRIEFING to the extent any party contends that the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108–458, 118 Stat. 3638– enacted 12/17/04, and effective not later than six months after the date of the enactment of the Act, except as other wise expressly provided in the Act– changes any rule for decision with regard to the five disputes that are the subject of the parties' recent motions for partial summary judgment, that party may state its

		position by noon Friday 8/12/05. If nothing is received by that date, the Court will assume that the parties contend that no rule for decision has been changed. So Ordered. (Signed by Judge Alvin K. Hellerstein on 8/8/05) (jco,) (Entered: 08/09/2005)
08/08/2005	<u>123</u>	LETTER addressed to Judge Hellerstein from Peter M. Skinner dated 8/2/05 re: request for a modification of the procedure that the Court has established to resolve plaintiffs' challenge to the Government's segregability review of the documents responsive to Request 43 of plaintiffs "List of 70". Document filed by Department Of Justice, Department of State, Central Intelligence Agency, Department of Defense, Department Of Homeland Security.(yv,) (Entered: 08/10/2005)
08/10/2005	<u>124</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – MOTION to File Amicus Brief. Document filed by American Legion. Return Date set for 8/15/2005 09:30 AM. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u>)(Mills, Charles) Modified on 8/11/2005 (kg). (Entered: 08/10/2005)
08/11/2005		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DOCUMENT TYPE ERROR. Note to Attorney Charles Mills to RE-FILE Document <u>124</u> MOTION to File Amicus Brief. Use the document type Memorandum of Law in Support of Motion found under the document list Responses and Replies. (kg) (Entered: 08/11/2005)
08/11/2005	<u>125</u>	MEMORANDUM OF LAW in Support re: <u>48</u> MOTION for Partial Summary Judgment.. Document filed by American Legion. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u>)(Mills, Charles) (Entered: 08/11/2005)
08/11/2005	<u>126</u>	ORDER CLARIFYING SCHEDULE FOR ORAL ARGUMENT ON EXEMPTION 7(F); this Order clarifies my Order, dated 8/8/05, which was incorrectly described on the Court's docketing system. Oral argument on Defendants' Supplemental Memorandum of Law in further support of their Partial Summary Judgment Motion, and Plaintiffs' Motion to Vacate the Protective Order entered 7/22/05, both of which relate to the application of FOIA Exemption 7(F) to the Darby Photographs, will be held on 8/15/05. The portion of the argument, from 10:00 a.m. to 11 a.m., will be a sealed proceeding. The second portion of the argument, from 11 a.m. to 12:30 p.m., will be open to the public. (Signed by Judge Alvin K. Hellerstein on 8/11/05) (sac,) (Entered: 08/11/2005)
08/11/2005	<u>127</u>	MEMO ENDORSEMENT on Memorandum of Law in Support of Motion for leave to file a Memorandum of an Amicus Curiae; Motion granted. I will consider brief and papers. (Signed by Judge Alvin K. Hellerstein on 8/11/05) (sac,) (Entered: 08/11/2005)
08/11/2005	<u>128</u>	MEMORANDUM OF LAW in Opposition re: <u>72</u> MOTION for Summary Judgment., <u>48</u> MOTION for Partial Summary Judgment.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc.. (Attachments: # <u>1</u> Declaration of Michael E. Pheneger)(Lustberg, Lawrence) (Entered: 08/11/2005)
08/11/2005	<u>129</u>	MOTION to Vacate <u>106</u> Order, <i>and for Access to Papers Filed by the Government in Support of Summary Judgment</i> . Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc.. (Lustberg, Lawrence) (Entered: 08/11/2005)
08/11/2005		Minute Entry for proceedings held before Judge Alvin K. Hellerstein : Ex-parte Conference held on 7/29/2005 with United States Attorney's Office concerning the Central Intelligence Agency's submission ex parte and in camera of the Fifth Declaration of Marily A. Dorn, dated July 15, 2005, which provided classified information concerning the CIA's refusal to confirm or deny the existence of three documents requested by Plaintiffs. (tb,) (Entered: 08/16/2005)
08/12/2005	<u>130</u>	MEMORANDUM OF LAW in Opposition re: <u>129</u> MOTION to Vacate <u>106</u> Order, <i>and for Access to Papers Filed by the Government in Support of Summary Judgment</i> .. Document filed by Department of Defense. (McShain, Heather) (Entered: 08/12/2005)
08/12/2005	<u>131</u>	REPLY MEMORANDUM OF LAW in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Department of Defense. (McShain, Heather) (Entered: 08/12/2005)
08/12/2005	<u>132</u>	REPLY AFFIRMATION of Richard B. Myers in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Department of Defense. (Attachments: # <u>1</u>)(McShain, Heather) (Entered: 08/12/2005)
08/12/2005	<u>133</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Peter M. Skinner dated 8/12/05 re: the Clerk shall add this letter to the Docket. (Signed by Judge Alvin K. Hellerstein on 8/12/05) (db,) (Entered: 08/15/2005)

08/12/2005	<u>134</u>	ENDORSED LETTER from Sean H. Lane dated 8/12/05 re: Application GRANTED. Government is permitted to publicly file the Amended Declaration to replace the publicly filed version of General Myers' original--and that original be removed from the Court docket. (Signed by Judge Alvin K. Hellerstein on 8/12/05) (db,) (Entered: 08/15/2005)
08/17/2005	<u>140</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 8/17/05 re: without further objections by plaintiff, I am....to accept the representation by dft witout this need for a.....presentation.. (Signed by Judge Alvin K. Hellerstein on 8/17/05) (pl,) (Entered: 08/18/2005)
08/18/2005	141	TRANSCRIPT of proceedings held on 8/15/05 before Judge Alvin K. Hellerstein. (lma,) (Entered: 08/18/2005)
08/19/2005	<u>142</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 8/18/05 re: the suggested procedures are accepted. This letter and endorsed order shall be accepted. (Signed by Judge Alvin K. Hellerstein on 8/19/05) (db,) (Entered: 08/22/2005)
08/23/2005	<u>143</u>	REPLY MEMORANDUM OF LAW in Support re: <u>48</u> MOTION for Partial Summary Judgment.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc.. (Attachments: # <u>1</u> Declaration of Khaled Fahmy)(Lustberg, Lawrence) (Entered: 08/23/2005)
08/23/2005	<u>144</u>	REPLY MEMORANDUM OF LAW in Support re: <u>129</u> MOTION to Vacate <u>106</u> Order, <i>and for Access to Papers Filed by the Government in Support of Summary Judgment</i> .. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc.. (Lustberg, Lawrence) (Entered: 08/23/2005)
08/29/2005	<u>145</u>	ORDER...The oral argument on Defendants' Supplemental Memorandum of Law in further support of their Partial Summary Judgment Motion, which relates to the application of FOIA Exemption 7(f) to the Darby Photographs, will be held tomorrow, August 30, 2005 at 3 p.m. The argument is open to the public. (Signed by Judge Alvin K. Hellerstein on 8/29/05) (rag,) (Entered: 08/29/2005)
08/29/2005	<u>146</u>	DECLARATION of Ronald Schlicher in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Department of Defense. (McShain, Heather) (Entered: 08/29/2005)
08/29/2005	<u>147</u>	DECLARATION of Richard B. Myers in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Department of Defense. (Attachments: # <u>1</u>)(McShain, Heather) (Entered: 08/29/2005)
08/31/2005		Minute Entry for proceedings held before Judge Alvin K. Hellerstein : Oral Argument held on 8/31/2005 re: <u>48</u> MOTION for Partial Summary Judgment filed by Center for Constitutional Rights, Inc., American Civil Liberties Union, Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (jco,) (Entered: 09/06/2005)
09/26/2005	149	TRANSCRIPT of proceedings held on 8/30/2005 before Judge Alvin K. Hellerstein. (jar,) (Entered: 09/26/2005)
09/29/2005	<u>150</u>	OPINION AND ORDER;92194 granting in part and dening in part re: <u>72</u> MOTION for Summary Judgment. filed by Central Intelligence Agency,, Department of Defense,, <u>48</u> MOTION for Partial Summary Judgment. filed by Center for Constitutional Rights, Inc.,, American Civil Liberties Union,, Physicians for Human Rights,, Veterans for Common Sense,, Veterans for Peace; this Opinion and Order is stayed twenty days in order to allow for appeal by either side, should it wish to do so. (Signed by Judge Alvin K. Hellerstein on 9/29/05) (pl,) Modified on 10/3/2005 (ns,). (Entered: 09/30/2005)
10/17/2005	<u>151</u>	MOTION for Reconsideration re: <u>150</u> Memorandum &Opinion,, Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 10/17/2005)
10/17/2005	<u>152</u>	MEMORANDUM OF LAW in Support re: <u>151</u> MOTION for Reconsideration re: <u>150</u> Memorandum &Opinion,, Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 10/17/2005)
10/18/2005	<u>153</u>	ORDER ENLARGING STAY;.. the aforementioned stay shall be enlarged to Wendesday, October 26,2005, in order to allow for consideration of the government's motion and any plaintiff opposition. (Signed by Judge Alvin K. Hellerstein on 10/18/05) (djc,) (Entered: 10/19/2005)
10/24/2005	<u>154</u>	MEMORANDUM OF LAW in Opposition re: <u>151</u> MOTION for Reconsideration re: <u>150</u> Memorandum &Opinion,, Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc.. (Lustberg, Lawrence) (Entered: 10/24/2005)

10/24/2005	<u>155</u>	ORDER that the stay as set forth herein shall be enlarged to 11/1/05 in order to allow for consideration of the government motion and the plaintiff's opposition. (Signed by Judge Alvin K. Hellerstein on 10/24/05) (dle,) (Entered: 10/24/2005)
10/26/2005	<u>156</u>	REPLY MEMORANDUM OF LAW in Support re: <u>151</u> MOTION for Reconsideration re: <u>150</u> Memorandum & Opinion,,, Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 10/26/2005)
10/31/2005		***STRICKEN DOCUMENT. Deleted document number 157 from the case record. The document was stricken from this case pursuant to <u>163</u> Order. (rag,) (Entered: 11/09/2005)
11/02/2005	<u>158</u>	ORDER DENYING GOVERNMENT'S MOTION FOR PARTIAL RECONSIDERATION re 9/29/05 opinion. I grant one further enlargement to the govt, to 11/15/05 to consider whether to file an appeal or to comply with the Opinion. (Signed by Judge Alvin K. Hellerstein on 11/2/05) (cd,) (Entered: 11/03/2005)
11/07/2005	<u>159</u>	SECOND MOTION for Partial Summary Judgment. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc.. (Attachments: # <u>1</u> Memorandum of Law in Support of Plaintiffs' Second Motion for Partial Summary Judgment (Part 1) # <u>2</u> Memo of Law (Part 2) # <u>3</u> Memo of Law (Part 3))(Lustberg, Lawrence) (Entered: 11/07/2005)
11/08/2005	<u>160</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Megan Lewis dated 11/7/05 re: Counsel writes to request permission to file a hard copy of exhibits attached to the memo of law. So Ordered. (Signed by Judge Alvin K. Hellerstein on 11/8/05) (jco,) (Entered: 11/09/2005)
11/09/2005	<u>161</u>	EXHIBITS, fld as per doc #160. Document filed by American Civil Liberties Union.(cd,) (Entered: 11/09/2005)
11/09/2005	<u>162</u>	EXHIBITS, fld as per doc #160. Document filed by American Civil Liberties Union.(cd,) (Entered: 11/09/2005)
11/09/2005	<u>163</u>	ORDER...An order was filed under seal on 10/31/05, referenced as document number 157 on the docket sheet. The clerk shall delete that entry from the docket sheet and destroy the pdf file. The order filed 11/7/05, referenced as document number 158 on the docket sheet, replaces said order. (Signed by Judge Alvin K. Hellerstein on 11/9/05) (rag,) (Entered: 11/09/2005)
11/16/2005	<u>164</u>	ORDER ENLARGING STAY: Ordered that the aforementioned stay shall be enlarged to 11/22/2005. No further enlargements will be granted. (Signed by Judge Alvin K. Hellerstein on 11/15/2005) (lb,) (Entered: 11/17/2005)
11/22/2005	<u>165</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT – NOTICE of APPEAL re: <u>150</u> Memorandum & Opinion,,, Document filed by Department of the Army, Department of Defense. (Lane, Sean) Modified on 12/2/2005 (gf,). (Entered: 11/22/2005)
11/28/2005	<u>166</u>	NOTICE OF APPEAL from <u>150</u> Memorandum & Opinion,,, Document filed by Department of the Army, Department of Defense. (nd,) (Entered: 11/29/2005)
11/29/2005		Transmission of Notice of Appeal to the District Judge re: <u>166</u> Notice of Appeal. (nd,) (Entered: 11/29/2005)
11/29/2005		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>166</u> Notice of Appeal. (nd,) (Entered: 11/29/2005)
11/29/2005		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>34</u> Certificate of Service Other filed by Department Of Justice,, <u>96</u> Declaration in Support of Motion filed by Central Intelligence Agency,, Department of Defense,, <u>97</u> Rule 56.1 Statement filed by Central Intelligence Agency,, Department of Defense,, <u>82</u> Order, Set Hearings,,,, <u>98</u> Endorsed Letter,, <u>10</u> Declaration in Opposition to Motion, filed by Central Intelligence Agency,, Department of State,, Department Of Justice,, Department of Defense,, Department Of Homeland Security,, <u>158</u> Order,, <u>159</u> SECOND MOTION for Partial Summary Judgment. filed by Center for Constitutional Rights, Inc., American Civil Liberties Union,, <u>11</u> Declaration in Opposition to Motion, filed by Central Intelligence Agency,, Department of State,, Department Of Justice,, Department of Defense,, Department Of Homeland Security,, <u>160</u> Endorsed Letter,, <u>58</u> Order, Set Motion and RRDeadlines/Hearings, <u>140</u> Endorsed Letter,, <u>35</u> Order,,,, <u>59</u> Memorandum of Law in Oppisition to Motion, filed by Center for Constitutional Rights, Inc., American Civil Liberties Union,, Physicians for Human Rights,, Veterans for Common Sense,, Veterans for Peace,, <u>37</u> Endorsed Letter,, <u>38</u> MOTION to Stay <i>the Court's September 15, 2004 Order</i> . filed by Central Intelligence Agency,, <u>100</u> Order,, <u>83</u> Order, <u>84</u> Endorsed Letter, <u>12</u> Reply Memorandum of Law in Support of Motion, filed by Center for Constitutional Rights, Inc., American Civil Liberties Union,, Physicians for Human

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12/06/2005	<u>167</u>	<p>ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Michael J. Garcia dated 12/5/05 re: plaintiffs second motion for partial summary judgment. Gov't opposition and any Cross Motions due by 12/21/2005. Plaintiffs' Replies and any opposition papers due by 1/18/06; Gov't's reply brief due 2/1/2006. (Signed by Judge Alvin K. Hellerstein on 12/6/05) (pl,) (Entered: 12/07/2005)</p>
12/09/2005	<u>168</u>	<p>MOTION Order to Release Documents or Justify Exemption. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Attachments: # <u>1</u> Exhibit)(Lewis, Megan) (Entered: 12/09/2005)</p>
12/19/2005	<u>169</u>	<p>ORDER; accordingly, I rule as follows: 1) Plaintiff's motion to be relieved of my Opinion and Order dated 9/29/05, as supplemented by my Order dated 11/2/05, is denied. 2) Because of the public interest involved in this matter, and in light of this Order, both plaintiffs and defendant shall have the right to appeal from all, or any part, of my Opinion and Order dated 9/29/05, my Order dated 11/2/05, and this Order, notwithstanding any agreement made between them to the contrary. 3) The time of each party to notice an appeal, otherwise set as sixty days after the judgment or order appealed from is entered by Rule 4(a)(1)(B) of the Federal Rules of Appellate Procedure, shall run an additional 30 days from this date, see Fed. R. App. P. 4(a)(4)(B)(ii), and shall be subject to all scheduling and stay orders heretofore entered by the Court of Appeals in this case. (Signed by Judge Alvin K. Hellerstein on 12/19/05) (sac,) (Entered: 12/20/2005)</p>
12/20/2005	<u>170</u>	<p>ENDORSED LETTER addressed to JUDGE Alvin K. Hellerstein from Heather K. McShain dated 12/20/05 re: a request for a revised briefing schedule as follows: Cross Motions due by 1/18/2006. Responses due by 2/15/2006. Replies due by 3/1/2006. ENDORSEMENT: SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 12/20/05) (kco,) (Entered: 12/21/2005)</p>

01/03/2006	<u>171</u>	NOTICE OF APPEAL from <u>150</u> Memorandum & Opinion, <u>169</u> Order. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. Filing fee \$ 255.00, receipt number E 565482. (tp,) (Entered: 01/04/2006)
01/04/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>171</u> Notice of Appeal. (tp,) (Entered: 01/04/2006)
01/04/2006		Transmission of Notice of Appeal to the District Judge re: <u>171</u> Notice of Appeal. (tp,) (Entered: 01/04/2006)
01/04/2006		Appeal Record Sent to USCA (Electronic File). 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01/10/2006	<u>172</u>	ORDER: It is hereby ordered that DOD shall complete its processing of the FBI referrals by 2/15/2006, and the CIA referrals by 3/15/2006. All other rulings are set forth in this order. (Signed by Judge Alvin K. Hellerstein on 1/10/2006) (lb,) (Entered: 01/10/2006)
01/10/2006	<u>173</u>	ORDER OF FINAL JUDGMENT FOR IMMEDIATE APPEAL pursuant to Fed. R. Civ. P. 54(b). (Signed by Judge Alvin K. Hellerstein on 1/10/06) (Attachments: # <u>1</u> Notice of Right to Appeal)(ml,) (Entered: 01/11/2006)
01/13/2006	<u>174</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 1/13/06; re: Government's opposition and any cross motion by 2/1/06; Plaintiffs' reply brief and any opposition papers by 3/1/06; Government's reply brief by 3/15/06. (Signed by Judge Alvin K. Hellerstein on 1/13/06) (sac,) (Entered: 01/17/2006)
01/25/2006		USCA SCHEDULING ORDER as to <u>166</u> Notice of Appeal filed by Department of the Army,, Department of Defense, USCA Case Number 05-6286-cv. Roseann B. MacKechnie, Clerk USCA. Appeal Record due by 2/15/2006. Appellant Brief due by 2/22/2006. Appellee Brief due by 3/24/2006. (nd,) (Entered: 01/25/2006)
02/02/2006	<u>175</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 1/31/06 re: Application GRANTED. Government's response and cross-motion due 2/6/06; plaintiff's reply and opposition due 3/6/06; Government's reply due 3/20/06. (Signed by Judge Alvin K. Hellerstein on 2/2/06) (db,) (Entered: 02/02/2006)
02/02/2006		Set/Reset Deadlines as to <u>159</u> SECOND MOTION for Partial Summary Judgment. Responses due by 2/6/2006 Replies due by 3/6/2006. (db,) (Entered: 02/02/2006)
02/02/2006		Set/Reset Deadlines: Cross Motions due by 3/6/2006. (db,) (Entered: 02/02/2006)
02/06/2006	<u>176</u>	MOTION for Summary Judgment. Document filed by Federal Bureau Of Investigation. Responses due by 3/6/2006 (McShain, Heather) (Entered: 02/06/2006)
02/06/2006	<u>177</u>	RULE 56.1 STATEMENT. Document filed by Federal Bureau Of Investigation. (McShain, Heather) (Entered: 02/06/2006)
02/06/2006	<u>178</u>	DECLARATION of Fourth Declaration of David M. Hardy in Support re: <u>176</u> MOTION for Summary Judgment.. Document filed by Federal Bureau Of Investigation. (Attachments: # <u>1</u> # <u>2</u>)(McShain, Heather) (Entered: 02/06/2006)
02/06/2006	<u>179</u>	MEMORANDUM OF LAW in Support re: <u>176</u> MOTION for Summary Judgment. <i>and in Opposition to Plaintiffs' Second Motion for Partial Summary Judgment.</i> Document filed by Federal Bureau Of Investigation. (McShain, Heather) (Entered: 02/06/2006)
02/06/2006	<u>180</u>	CERTIFICATE OF SERVICE of Notice of Motion, 56.1 Statement, Fourth Hardy Declaration and exhibits, FBI's Memorandum of Law in Opposition to Plaintiffs' Second Motion for Partial Summary Judgment and In Support of FBI's Cross-Motion for Partial Summary Judgment served on Lawrence Lustberg, Esq. on February 6, 2006. Service was made by Federal Express. Document filed by Federal Bureau Of Investigation. (McShain, Heather) (Entered: 02/06/2006)
03/03/2006	<u>181</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 2/23/2006 re: a request that paragraph 7 of the defendant FBI's Statement pursuant to Local Rule 56.1 be withdrawn. ENDORSEMENT: SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 3/3/2006) (kco,) (Entered: 03/06/2006)
03/03/2006	<u>182</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Megan Lewis dated 3/1/2006 re: a request for additional time to respond to the motion for partial summary judgment. Responses due by 3/17/2006. Replies due by 3/31/2006. ENDORSEMENT: SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 3/3/2006) (kco,) (Entered: 03/06/2006)
03/13/2006	<u>183</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Megan Lewis dated 3/10/06 re: the court awaits a stipoulation providing a....schedule to completed briefing of the FBI summary judgment motion. (Signed by Judge Alvin K. Hellerstein on 3/10/06) (pl,) (Entered: 03/13/2006)

04/10/2006	<u>184</u>	ORDER: It is hereby ordered that on or before 4/25/2006, the Gov't shall file with the Court any declarations in support of its invocation of Exemptions 6,7(C) and or 7(F) as to the other responsive images. On or before 5/23/2006, plaintiffs will submit any declarations in response to the Gov'ts submission as to the other responsive images, and the Gov't will submit any additional declarations in reply within 10 calendar days of plaintiffs' submission. All other rulings are set forth in this order. (Signed by Judge Alvin K. Hellerstein on 4/10/2006) (lb,) (Entered: 04/11/2006)
04/26/2006	<u>185</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 4/25/06 re: granting requests; extending the Gov't's time until 4/26/06, to complete its declarations and submit them to the Court. (Signed by Judge Alvin K. Hellerstein on 4/25/06) (pl,) Modified on 4/26/2006 (pl,). (Entered: 04/26/2006)
04/26/2006	<u>186</u>	DECLARATION of Carter F. Ham re: <u>184</u> Order,, Document filed by Department of the Army, Department of Defense. (Lane, Sean) (Entered: 04/26/2006)
04/26/2006	<u>187</u>	DECLARATION of Richard B. Jackson re: <u>184</u> Order,, Document filed by Department of the Army, Department of Defense. (Lane, Sean) (Entered: 04/26/2006)
04/26/2006	<u>188</u>	DECLARATION of Philip J. McGuire re: <u>184</u> Order,, Document filed by Department of the Army, Department of Defense. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibit B# <u>3</u> Exhibit Exhibit C)(Lane, Sean) (Entered: 04/26/2006)
05/08/2006	<u>190</u>	MANDATE of USCA WITHDRAWING APPEAL (Certified Copy) as to <u>166</u> Notice of Appeal filed by Department of the Army Department of Defense, USCA Case Number 05-6286-cv....that the appeal is hereby WITHDRAWN pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. Roseann B. MacKechnie, Clerk USCA. Certified: 4/3/2006. (nd,) (Entered: 05/10/2006)
05/10/2006		Transmission of USCA Mandate/Order to the District Judge re: <u>190</u> USCA Mandate Withdrawing Appeal,, (nd,) (Entered: 05/10/2006)
05/19/2006	<u>191</u>	BRIEF <i>pursuant to this Court's April 10, 2006 Order</i> . Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc.. (Attachments: # <u>1</u> Declaration of Michael E. Phenege# <u>2</u> Declaration of Khaled Fahmy)(Lewis, Megan) (Entered: 05/19/2006)
05/30/2006	<u>192</u>	BRIEF <i>in Reply</i> . Document filed by Department of the Army, Department of Defense. (Attachments: # <u>1</u> Affidavit Fifth Declaration of Philip J. McGuire)(Lane, Sean) (Entered: 05/30/2006)
06/09/2006	<u>193</u>	ORDER that the Government shall release, pursuant to my holdings set out in my Opinion and Order Granting in Part and Denying in Part Motions for Partial Summary Judgment dated September 29, 2005, 389 F. Supp. 2d 547, 568-79, the photographs marked exhibits GXB A-6,A-7,A-8,B-1,B-2,C-1,D-1,E-1,E-2,E-3,E-4,E-5,E-6,E-7,E-8,E-9,E-10,E-11,E-12,and E-13; and it is further Ordered that the Government shall redact identifying facial features from the photographs marked as exhibits GXB A-6,A-7,A-8,B-1,B-2,C-1,D-1,E-1,E-2,E-3,E-4,E-5,E-6,E-7,E-8,E-9,E-10,E-11,E-12,and E-13; and release them as redacted; and it further Ordered that the Governement is not required to release the photographs marked as exhibits GXA and GXB A-1,A-2,A-3,A-4,A-5,G-1,and G-2, as the Court has determined that these photographs are not responsive; and Judgment is reserved regarding F-1 and F-2. So Ordered. (Signed by Judge Alvin K. Hellerstein on 6/9/2006) (jmi,) (Entered: 06/12/2006)
06/15/2006	<u>194</u>	STIPULATION AND ORDER: It is hereby ordered that the two unreleased photographs F-1 and F-2 are to be shown by the Government to Megan Lewis Amrit Singh, attorney's of record for plaintiff, further ordered that Ms. Singh and Ms. Lewis are permitted to share details and information of these two photographs only with their co-counsel working on this case but details and information about these two photographs shall not be shared by plaintiffs' counsel with their clients or with the public, other than information about these two photographs that already has been publicly released in this litigation, and it is further ordered that this order shall no tprejudice in any way DOD's right to object to the release of these two photographs under FOIA. (Signed by Judge Alvin K. Hellerstein on 6/14/06) (js,) (Entered: 06/15/2006)
06/16/2006	<u>195</u>	ENDORSED LETTER addressed to Judge Hellerstein from Sean Lane dated 6/15/06: the requested enlargement to 6/29/06, is granted. Plntf's objection is noted. (Signed by Judge Alvin K. Hellerstein on 6/16/06) (cd,) (Entered: 06/16/2006)
06/21/2006	<u>196</u>	SUPPLEMENTAL ORDER RELEASING PHOTOGROUPS that the Government shall release, pursuant to my holdings set out in my Opinion and Order Granting in Part and Denying in Part Motions for Partial Summary Judgment date September 29,2005, 389 F. Supp. 2d 547, 568-79, the

		photograph marked exhibit GXB F-1; and it is Further Ordered that the Government shall redact identifying facial features from the photograph marked as exhibit GXB F-1, and release it as redacted; and it is further Ordered that the Government is not required to release the photographs marked as exhibits GXA and GXB F-2, as parties have stipulated that plaintiffs do not object to the GOVERNMENT withholding photo F-2 in its entirety it is not responsive. (Signed by Judge Alvin K. Hellerstein on 6/21/2006) (jmi,) (Entered: 06/22/2006)
06/30/2006	<u>197</u>	NOTICE OF APPEAL from <u>196</u> Order, <u>193</u> Order. Document filed by Department of the Army, Department of Defense. (tp,) (Entered: 07/05/2006)
06/30/2006		Appeal Remark as to <u>197</u> Notice of Appeal filed by Department of the Army, Department of Defense. NO FEE, USA. (tp,) (Entered: 07/05/2006)
07/05/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>197</u> Notice of Appeal. (tp,) (Entered: 07/05/2006)
07/05/2006		Transmission of Notice of Appeal to the District Judge re: <u>197</u> Notice of Appeal. (tp,) (Entered: 07/05/2006)
07/05/2006		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>131</u> Reply Memorandum of Law in Support of Motion filed by Department of Defense, <u>119</u> Order, <u>151</u> MOTION for Reconsideration re; <u>150</u> Memorandum & Opinion. filed by Central Intelligence Agency, <u>18</u> Status Report, filed by Central Intelligence Agency, Department of State, Department Of Justice, Department of Defense, <u>32</u> Status Report, filed by Central Intelligence Agency, Department of State, Department Of Justice, Department of Defense, <u>158</u> Order, <u>166</u> Notice of Appeal filed by Department of the Army, Department of Defense, <u>75</u> Declaration in Support of Motion, filed by Central Intelligence Agency, Department of Defense, <u>117</u> Declaration in Support filed by Department of Defense, <u>107</u> Order, Set Deadlines, <u>28</u> Status Report, filed by Department of State, <u>58</u> Order, Set Motion and RRDeadlines/Hearings, <u>142</u> Endorsed Letter, <u>57</u> Order on Motion to Stay, <u>85</u> Order, <u>21</u> Status Report, filed by Department of Defense, <u>19</u> Status Report, filed by Central Intelligence Agency, <u>122</u> Order, <u>194</u> Stipulation and Order, <u>78</u> Declaration in Support of Motion filed by Central Intelligence Agency, Department of Defense, <u>62</u> Endorsed Letter, <u>125</u> Memorandum of Law in Support of Motion filed by American Legion, <u>79</u> Declaration in Support of Motion filed by Central Intelligence Agency, Department of Defense, <u>106</u> Order, <u>15</u> Endorsed Letter, <u>159</u> SECOND MOTION for Partial Summary Judgment. filed by Center for Constitutional Rights, Inc., American Civil Liberties Union, <u>124</u> MOTION to File Amicus Brief. filed by American Legion, <u>63</u> Endorsed Letter, <u>177</u> Rule 56.1 Statement filed by Federal Bureau Of Investigation, <u>176</u> MOTION for Summary Judgment. filed by Federal Bureau Of Investigation, <u>27</u> Status Report, filed by Department of State, <u>97</u> Rule 56.1 Statement filed by Central Intelligence Agency, Department of Defense, <u>88</u> Endorsed Letter, Set Motion and RRDeadlines/Hearings, <u>53</u> MOTION for Reconsideration re; <u>50</u> Memorandum & Opinion, filed by Central Intelligence Agency, <u>154</u> Memorandum of Law in Oppisition to Motion filed by Center for Constitutional Rights, Inc., American Civil Liberties Union, <u>143</u> Reply Memorandum of Law in Support of Motion filed by Center for Constitutional Rights, Inc., American Civil Liberties Union, <u>127</u> Memo Endorsement, <u>170</u> Endorsed Letter, Set Deadlines, <u>35</u> Order, <u>126</u> Order, <u>51</u> MOTION to Stay re: <u>50</u> Memorandum & Opinion, <i>Pending Consideration of Appeal.</i> filed by Central Intelligence Agency, <u>72</u> MOTION for Summary Judgment. filed by Central Intelligence Agency, Department of Defense, <u>8</u> Memorandum of Law in Oppisition to Motion, filed by Central Intelligence Agency, Department of State, Department Of Justice, Department of Defense, Department Of Homeland Security, <u>134</u> Endorsed Letter, <u>67</u> Order, <u>6</u> Endorsed Letter, Set Scheduling Order Deadlines, <u>190</u> USCA Mandate Withdrawing Appeal, <u>29</u> Status Report, filed by Department Of Justice, <u>10</u> Declaration in Opposition to Motion, filed by Central Intelligence Agency, Department of State, Department Of Justice, Department of Defense, Department Of Homeland Security, <u>4</u> MOTION for Preliminary Injunction. filed by Center for Constitutional Rights, Inc., American Civil Liberties Union, Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace, <u>112</u> Declaration in Support, filed by Department of Defense, <u>61</u> Reply Memorandum of Law in Support of Motion filed by Central Intelligence Agency, <u>150</u> Memorandum & Opinion, <u>55</u> Declaration in Support of Motion filed by Central Intelligence Agency, <u>95</u> Declaration in Support of Motion filed by Central Intelligence Agency, Department of Defense, <u>34</u> Certificate of Service Other filed by Department Of Justice, <u>169</u> Order, <u>128</u> Memorandum of Law in Oppisition to Motion, filed by Center for Constitutional Rights, Inc., American Civil Liberties Union, <u>103</u> Endorsed Letter, <u>12</u> Reply Memorandum of Law in Support of Motion, filed by Center for Constitutional Rights, Inc., American Civil Liberties Union, Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace, <u>77</u> Declaration in Support of Motion filed by Central Intelligence Agency, Department of Defense, <u>147</u> Declaration in Support of Motion filed by Department of Defense, <u>81</u> Declaration in Support of Motion filed by

Central Intelligence Agency,, Department of Defense,,64 Endorsed Letter,,80 Memorandum of Law in Support of Motion filed by Central Intelligence Agency,, Department of Defense,,44 Order,,,,47 MOTION for Summary Judgment , *Partial*. filed by Center for Constitutional Rights, Inc.,, American Civil Liberties Union,, Physicians for Human Rights,, Veterans for Common Sense,, Veterans for Peace,,22 Status Report, filed by Department of Defense,,132 Reply Affirmation in Support of Motion filed by Department of Defense,,89 Memorandum of Law in Oppisition to Motion, filed by Center for Constitutional Rights, Inc.,, American Civil Liberties Union,,60 Order, 33 Status Report, filed by Department Of Justice,,98 Endorsed Letter,,146 Declaration in Support of Motion filed by Department of Defense,,41 Certificate of Service Other filed by Central Intelligence Agency,,49 Endorsed Letter,,40 Declaration in Support of Motion filed by Central Intelligence Agency,,192 Brief filed by Department of the Army,, Department of Defense,,13 Stipulation and Order,187 Declaration filed by Department of the Army,, Department of Defense,,167 Endorsed Letter, Set Scheduling Order Deadlines,,,140 Endorsed Letter,,2 FIRST MOTION for Preliminary Injunction. filed by Center for Constitutional Rights, Inc.,, American Civil Liberties Union,, Physicians for Human Rights,, Veterans for Common Sense,, Veterans for Peace,,96 Declaration in Support of Motion filed by Central Intelligence Agency,, Department of Defense,,180 Certificate of Service Other, filed by Federal Bureau Of Investigation,,118 MOTION to File Amicus Brief. filed by The New York Times Co.,, The Hearst Corporation,, The Tribune Company,, Advance Publications, Inc.,, CBS Broadcasting, Inc.,, The E.W. Scripps Company,, NBC Universal, Inc.,, Reporters Committee for Freedom of the Press,, American Society of Newspaper Editors,, Investigative Reporters and Editors, Inc.,, The National Newspaper Association,, The Radio–Television News Directors Association,, The Society of Professional Journalists,, The Newspaper Guild–CWA,, CBS Broadcastings, Inc.,,114 Memorandum of Law in Support filed by Department of Defense,,91 Memorandum of Law in Oppisition to Motion, filed by Center for Constitutional Rights, Inc.,, American Civil Liberties Union,,38 MOTION to Stay *the Court's September 15, 2004 Order*. filed by Central Intelligence Agency,,65 Declaration in Support of Motion filed by Central Intelligence Agency,,144 Reply Memorandum of Law in Support of Motion, filed by Center for Constitutional Rights, Inc.,, American Civil Liberties Union,,133 Endorsed Letter,182 Endorsed Letter, Set Deadlines,,,130 Memorandum of Law in Oppisition to Motion filed by Department of Defense,,37 Endorsed Letter,,156 Reply Memorandum of Law in Support of Motion filed by Central Intelligence Agency,,186 Declaration filed by Department of the Army,, Department of Defense,,116 Declaration in Support filed by Department of Defense,,5 Amended Complaint, filed by Center for Constitutional Rights, Inc.,, American Civil Liberties Union,, Physicians for Human Rights,, Veterans for Common Sense,, Veterans for Peace,,168 MOTION Order to Release Documents or Justify Exemption. filed by Center for Constitutional Rights, Inc.,, American Civil Liberties Union,, Physicians for Human Rights,, Veterans for Common Sense,, Veterans for Peace,,39 Memorandum of Law in Support of Motion filed by Central Intelligence Agency,,43 Memorandum of Law in Oppisition to Motion, filed by Center for Constitutional Rights, Inc.,, American Civil Liberties Union,, Physicians for Human Rights,, Veterans for Common Sense,, Veterans for Peace,,129 MOTION to Vacate 106 Order, *and for Access to Papers Filed by the Government in Support of Summary Judgment*. filed by Center for Constitutional Rights, Inc.,, American Civil Liberties Union,,71 Endorsed Letter,,86 Order,,,92 Counter Statement to Rule 56.1 filed by Center for Constitutional Rights, Inc.,, American Civil Liberties Union,,26 Status Report, filed by Department of Defense,,76 Declaration in Support of Motion filed by Central Intelligence Agency,, Department of Defense,,111 Declaration in Support, filed by Department of Defense,,66 Endorsed Letter,,48 MOTION for Partial Summary Judgment. filed by Center for Constitutional Rights, Inc.,, American Civil Liberties Union,, Physicians for Human Rights,, Veterans for Common Sense,, Veterans for Peace,,82 Order, Set Hearings,,,,11 Declaration in Opposition to Motion, filed by Central Intelligence Agency,, Department of State,, Department Of Justice,, Department of Defense,, Department Of Homeland Security,,110 MOTION for Partial Summary Judgment *Supplemental Memorandum in Further Support*. filed by Department of Defense,,83 Order,1 Complaint, filed by Center for Constitutional Rights, Inc.,, American Civil Liberties Union,, Physicians for Human Rights,, Veterans for Common Sense,, Veterans for Peace,,23 Status Report, filed by Department of Defense,,155 Order,152 Memorandum of Law in Support of Motion filed by Central Intelligence Agency,,24 Status Report, filed by Department of Defense,,52 Memorandum of Law in Support of Motion filed by Central Intelligence Agency,,172 Order,197 Notice of Appeal filed by Department of the Army,, Department of Defense,,9 Declaration in Opposition to Motion, filed by Central Intelligence Agency,, Department of State,, Department Of Justice,, Department of Defense,, Department Of Homeland Security,,45 Reply Memorandum of Law in Support of Motion filed by Central Intelligence Agency,,193 Order,,,185 Endorsed Letter,,30 Status Report, filed by Department Of Justice,,100 Order,,175 Endorsed Letter,,171 Notice of Appeal, filed by Center for Constitutional Rights, Inc.,, American Civil Liberties Union,, Physicians for Human Rights,, Veterans for Common Sense,, Veterans for Peace,,145 Order,,20 Status Report, filed by Central Intelligence Agency,,163 Order,,121 Order,,,3 MOTION for Preliminary

		Injunction. filed by Center for Constitutional Rights, Inc., American Civil Liberties Union,, Physicians for Human Rights,, Veterans for Common Sense,, Veterans for Peace,, <u>70</u> Endorsed Letter,, <u>178</u> Declaration in Support of Motion filed by Federal Bureau Of Investigation,, <u>153</u> Order,, <u>7</u> Answer to Amended Complaint, filed by Central Intelligence Agency,, Department of State,, Department Of Justice,, Department of Defense,, Department Of Homeland Security,, <u>59</u> Memorandum of Law in Oppisition to Motion, filed by Center for Constitutional Rights, Inc., American Civil Liberties Union,, Physicians for Human Rights,, Veterans for Common Sense,, Veterans for Peace,, <u>50</u> Memorandum & Opinion,, <u>173</u> Judgment, <u>188</u> Declaration filed by Department of the Army,, Department of Defense,, <u>183</u> Endorsed Letter,, <u>179</u> Memorandum of Law in Support of Motion filed by Federal Bureau Of Investigation,, <u>54</u> Memorandum of Law in Support of Motion filed by Central Intelligence Agency,, <u>56</u> Endorsed Letter,, <u>115</u> Declaration in Support filed by Department of Defense,, <u>94</u> Reply Memorandum of Law in Support of Motion filed by Central Intelligence Agency,, Department of Defense,, <u>16</u> Memorandum & Opinion, Set Deadlines/Hearings,, <u>14</u> Endorsed Letter,, <u>165</u> Notice (Other) filed by Department of the Army,, Department of Defense,, <u>113</u> Declaration in Support, filed by Department of Defense,, <u>25</u> Status Report, filed by Department of Defense,, <u>87</u> Order, <u>195</u> Endorsed Letter, <u>164</u> Order, <u>191</u> Brief, filed by Center for Constitutional Rights, Inc., American Civil Liberties Union,, <u>73</u> Rule 56.1 Statement filed by Central Intelligence Agency,, Department of Defense,, <u>74</u> Declaration in Support of Motion filed by Central Intelligence Agency,, Department of Defense,, <u>184</u> Order,, <u>196</u> Order, <u>181</u> Endorsed Letter, Set Deadlines, <u>174</u> Endorsed Letter, Set Deadlines, <u>90</u> Notice (Other) filed by Center for Constitutional Rights, Inc., American Civil Liberties Union, <u>84</u> Endorsed Letter, <u>160</u> Endorsed Letter, <u>120</u> Order on Motion to File Amicus Brief, <u>93</u> Endorsed Letter, <u>31</u> Certificate of Service Other, filed by Central Intelligence Agency, Department of State, Department Of Justice, Department of Defense, were transmitted to the U.S. Court of Appeals. (tp,) (Entered: 07/05/2006)
07/07/2006	<u>198</u>	REPLY MEMORANDUM OF LAW in Support re: <u>159</u> SECOND MOTION for Partial Summary Judgment. <i>and in Opposition to Defendant's Motion for Partial Summary Judgment.</i> Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc.. (Lustberg, Lawrence) (Entered: 07/07/2006)
08/01/2006	<u>200</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 7/27/06 re: Request a nineteen day extension of the briefing schedule, with the government filing its reply on August 16, 2006. ENDORSEMENT: So Ordered, on consent. (Signed by Judge Alvin K. Hellerstein on 8/1/06) (js,) (Entered: 08/01/2006)
08/17/2006	<u>201</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 8/16/2006 re: requesting a 9-day extension of the briefing schedule, with the Government filing its reply on 8/25/2006 and to adjourn the oral argument scheduled on 8/17/2006 to sometime after 9/18/2006. ENDORSEMENT: The enlargement is granted. The date for oral argument is canceled, subject to being set upon completion of briefing. (Signed by Judge Alvin K. Hellerstein on 8/17/2006) (lb,) (Entered: 08/17/2006)
08/28/2006	<u>202</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 8/25/06 re: Request a two week extension of the briefing schedule, with the Government filing its reply on Friday, September 8, 2006. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 8/28/06) (js,) (Entered: 08/28/2006)
09/07/2006	<u>203</u>	REPLY MEMORANDUM OF LAW in Support re: <u>176</u> MOTION for Summary Judgment.. Document filed by Federal Bureau Of Investigation. (McShain, Heather) (Entered: 09/07/2006)
09/07/2006	<u>204</u>	DECLARATION of Heather K. McShain in Support re: <u>176</u> MOTION for Summary Judgment.. Document filed by Federal Bureau Of Investigation. (Attachments: # <u>1</u>)(McShain, Heather) (Entered: 09/07/2006)
09/07/2006	<u>205</u>	CERTIFICATE OF SERVICE of Federal Bureau of Investigation's Reply Brief in Further Support of its Cross-Motion for Summary Judgment and McShain Declaration. Document filed by Federal Bureau Of Investigation. (McShain, Heather) (Entered: 09/07/2006)
09/27/2006	<u>206</u>	MANDATE of USCA (Certified Copy) as to <u>171</u> Notice of Appeal, filed by Center for Constitutional Rights, Inc., American Civil Liberties Union,, Physicians for Human Rights,, Veterans for Common Sense,, Veterans for Peace, USCA Case Number 06-0205-cv. (1) the record of the appeal shall be amended to include the text of the September 6, 2006 remarks of President George W. Bush (Declaration of Peter M. Skinner, September 18, 2006, Exhibit A); (2) the judgment of the District Court is VACATED, and the case is REMANDED to the District Court for such further proceedings as may be appropriate in the circumstances. In the interests of judicial economy and expeditious resolution of the parties' claims, the Clerk of this Court shall refer any appeal from the District Court's further orders or judgments in this case to this panel. See United

		States v. Jacobson, 15 F.3d 19, 21–22 (1994). Roseann B. MacKechnie, Clerk USCA. Issued As Mandate: 9/25/2006. (nd,) (Entered: 09/27/2006)
09/27/2006		Transmission of USCA Mandate/Order to the District Judge re: <u>206</u> USCA Mandate,,,. (nd,) (Entered: 09/27/2006)
10/05/2006	<u>207</u>	ORDER; the parties shall submit a Joint Proposal by 10/23/06. The parties shall confer on 11/1/2006 at 3:00 p.m. in Courtroom 14D. (Signed by Judge Alvin K. Hellerstein on 10/5/06) (kco,) (Entered: 10/06/2006)
11/01/2006	<u>208</u>	ENDORSED LETTER addressed to Judge Hellerstein from Sean Lane dated 11/1/06: re joint position that a conference tomorrow would be premature: the conference is canceled. (Signed by Judge Alvin K. Hellerstein on 10/31/06) (cd,) (Entered: 11/02/2006)
11/06/2006	<u>209</u>	TRUE COPY ORDER of USCA as to <u>197</u> Notice of Appeal filed by Department of the Army,, Department of Defense, USCA Case Number 06–0205. IT IS HEREBY ORDERED THAT the mandate is recalled and, upon its recall, this Court`s September 22, 2006 order shall be amended by agreement of the parties to read as follows: (1) the record of the appeal shall be amended to include the text of the September 6, 2006 remarks of President George W. Bush (Declaration of Peter M. Skinner, September 18, 2006, Exhibit A); (2) the portions of the District Court`s judgment that were the subject of this appeal is VACATED, and the case is REMANDED to the District Court for such further proceedings as may be appropriate in the circumstances. In the interests of judicial economy and expeditious resolution of the parties` claims, the Clerk of this Court shall refer any appeal from the District Court`s further orders or judgments in this case to this panel. See United States v. Jacobson, 15 F.3d 19, 21–22 (1994). Thomas Asreen, Acting Clerk USCA. Certified: 11/2/2006. (nd,) (Entered: 11/06/2006)
11/06/2006		Transmission of USCA Mandate/Order to the District Judge re: <u>209</u> USCA Order,,,,. (nd,) (Entered: 11/06/2006)
12/19/2006	<u>210</u>	NOTICE OF APPEARANCE by Melanca Durham Clark on behalf of American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace (Clark, Melanca) (Entered: 12/19/2006)
12/28/2006	<u>211</u>	STIPULATION AND ORDER, by and among the parties, that the Government shall provide its public Vaughn declaration as to the responsive CIA Documents to Plaintiffs on or before, January 5, 2007. SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 12/28/2006) (jmi,) (Entered: 12/29/2006)
01/10/2007	<u>212</u>	MANDATE of USCA (Certified Copy) as to <u>197</u> Notice of Appeal filed by Department of the Army, Department of Defense, USCA Case Number 06–0205–cv. It is Ordered, Adjudged and Decreed that the judgment of the District Court is VACATED and REMANDED. Thomas Asreen, Acting Clerk USCA. Issued As Mandate: 1/9/07. (tp,) (Entered: 01/10/2007)
01/10/2007		Transmission of USCA Mandate/Order to the District Judge re: <u>212</u> USCA Mandate,. (tp,) (Entered: 01/10/2007)
02/02/2007	<u>213</u>	ENDORSED LETTER addressed to Judge Hellerstein from Melanca Clark dated 1/31/07 re: Plaintiffs' moving brief to be served on or before March 2, 2007; Defendants' opposition brief to be served on or before April 13, 2007; Plaintiff's reply brief to be served on or before May 4, 2007; and Defendants' sur-reply brief to be served on or before May 25, 2007. (Signed by Judge Alvin K. Hellerstein on 2/1/07) (djc) (Entered: 02/05/2007)
03/02/2007	<u>214</u>	NOTICE OF CHANGE OF ADDRESS by Melanca Durham Clark on behalf of all plaintiffs. New Address: Gibbons P.C., One Gateway Center, Newark, New Jersey, 07102–5310, 973–596–4500. (Clark, Melanca) (Entered: 03/02/2007)
03/02/2007	<u>215</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – THIRD MOTION for Partial Summary Judgment. Document filed by American Civil Liberties Union. Responses due by 4/13/2007 (Attachments: # <u>1</u> Memo of Law Part 2# <u>2</u> Notice of Motion# <u>3</u> Exhibit DOD A Part 1# <u>4</u> Exhibit DOD A Part 2# <u>5</u> Exhibit DOD A Part 3# <u>6</u> Errata DOD A part 4# <u>7</u> Errata DOD B–D# <u>8</u> Exhibit DOD E# <u>9</u> Exhibit DOD F–H# <u>10</u> Exhibit CIA Part 1# <u>11</u> Exhibit CIA A Part 2# <u>12</u> Exhibit CIA A Part 3# <u>13</u> Exhibit CIA A Part 4# <u>14</u> Exhibit CIA A Part 5# <u>15</u> Exhibit CIA B Part 1# <u>16</u> Errata CIA B Part 2# <u>17</u> Exhibit CIA B Part 3# <u>18</u> Exhibit OLC A# <u>19</u> Exhibit OLC B Part 1# <u>20</u> Exhibit OLC B Part 2)(Clark, Melanca) Modified on 3/6/2007 (kkc). (Entered: 03/02/2007)
03/05/2007	<u>216</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT – NOTICE of Letter encl. Amended Memo of Law. Document filed by American Civil Liberties Union. (Clark, Melanca)

		Modified on 3/7/2007 (gf). (Entered: 03/05/2007)
03/05/2007	<u>217</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – MOTION to Amend/Correct <u>216</u> Notice (Other), <u>215</u> THIRD MOTION for Partial Summary Judgment. (Amended Memo of Law reflecting changes made to Table of Contents and Table of Authorities). Document filed by American Civil Liberties Union.(Clark, Melanca) Modified on 3/6/2007 (KA). (Entered: 03/05/2007)
03/06/2007		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DOCUMENT TYPE ERROR. Note to Attorney Melanca Durham Clark to RE-FILE Document <u>217</u> MOTION to Amend/Correct <u>216</u> Notice (Other), <u>215</u> THIRD MOTION for Partial Summary Judgment. (Amended Memo of Law reflecting changes made to Table of Contents and Table of Authorities). MOTION to Amend/Correct <u>216</u> Notice (Other), <u>215</u> THIRD MOTION for Partial Summary Judgment. (Amended Memo of Law reflecting changes made to Table of Contents and Table of Authorities). Use the document type Memorandum of Law in Support of Motion found under the document list Replies, Opposition and Supporting Documents. (KA) (Entered: 03/06/2007)
03/06/2007	<u>218</u>	THIRD MOTION for Partial Summary Judgment. Document filed by American Civil Liberties Union.(Clark, Melanca) (Entered: 03/06/2007)
03/06/2007	<u>219</u>	THIRD MEMORANDUM OF LAW in Support re: <u>218</u> THIRD MOTION for Partial Summary Judgment.. Document filed by American Civil Liberties Union. (Attachments: # <u>1</u> Exhibit DOD A Part 1# <u>2</u> Exhibit DOD A Part 2# <u>3</u> Exhibit DOD A Part 3# <u>4</u> Exhibit DOD A Part 4# <u>5</u> Exhibit DOD B–D# <u>6</u> Exhibit DOD E# <u>7</u> Exhibit DOD F–H# <u>8</u> Exhibit CIA A Part 1# <u>9</u> Exhibit CIA A Part 2# <u>10</u> Exhibit CIA A Part 3# <u>11</u> Exhibit CIA A Part 4# <u>12</u> Exhibit CIA A Part 5# <u>13</u> Exhibit CIA B Part 1# <u>14</u> Exhibit CIA Part 2# <u>15</u> Exhibit CIA B Part 3# <u>16</u> Exhibit OLC A# <u>17</u> Exhibit OLC B Part 1# <u>18</u> Exhibit OLC B Part 2)(Clark, Melanca) (Entered: 03/06/2007)
03/07/2007		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – NON-ECF DOCUMENT ERROR. Note to Attorney M. Clark to MANUALLY RE-FILE Document No. <u>216</u> LETTER. This document is not filed via ECF. (gf) (Entered: 03/07/2007)
04/12/2007	<u>220</u>	ENDORSED LETTER addressed to Judge Hellerstein from Stan Lane dated 4/9/07 re confirming that the parties' second set of cross motions for partial summary judgment relating to documents of the FBI has been resolved: so ordered, the motion and corss motion are both denied as moot. (Signed by Judge Alvin K. Hellerstein on 4/12/07) (cd) (Entered: 04/13/2007)
04/13/2007	<u>221</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 4/12/07 re: Counsel writes to request a three-week extension of the summary judgment briefing scheduled as follows: opposition/cross-motion for summary judgment brief to be served on or before 5/4/07; reply/opposition brief to be served on or before 5/25/07; reply brief to be served on or before 6/15/07. So Ordered. (Signed by Judge Alvin K. Hellerstein on 4/13/07) (jco) (Entered: 04/16/2007)
05/07/2007	<u>222</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 5/4/07 re: Plaintiff's objections DENIED. No further extensions will be granted. (Signed by Judge Alvin K. Hellerstein on 5/7/07) (db) (Entered: 05/08/2007)
06/04/2007	<u>223</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Peter M. Skinner dated 5/31/2007 re: request a four-day extention of time, for the Government to file its response to plts third motion for partial summary judgment. Endorsement: Motion granted. Set Deadlines/Hearing as to <u>218</u> THIRD MOTION for Partial Summary Judgment: Responses due by 6/8/2007 (Signed by Judge Leonard B. Sand (Part 1 Judge) on 6/1/2007) (jar) Modified on 6/5/2007 (Rivera, Jazmin). (Entered: 06/05/2007)
06/08/2007	<u>224</u>	THIRD MOTION for Summary Judgment. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense.(Skinner, Peter) (Entered: 06/08/2007)
06/08/2007	<u>225</u>	DECLARATION of Marilyn A. Dorn in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Skinner, Peter) (Entered: 06/08/2007)
06/08/2007	<u>226</u>	DECLARATION of Marilyn A. Dorn 8th in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 06/08/2007)
06/08/2007	<u>227</u>	DECLARATION of Marilyn A. Dorn 9th in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 06/08/2007)

06/08/2007	<u>228</u>	DECLARATION of Marilyn A. Dorn OLC in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Skinner, Peter) (Entered: 06/08/2007)
06/08/2007	<u>229</u>	DECLARATION of Steven Bradbury in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit B part 2# <u>4</u> Exhibit B part 3# <u>5</u> Exhibit B part 4# <u>6</u> Exhibit B part 5# <u>7</u> Exhibit C# <u>8</u> Exhibit D)(Skinner, Peter) (Entered: 06/08/2007)
06/08/2007	<u>230</u>	DECLARATION of William Huntington in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 06/08/2007)
06/08/2007	<u>231</u>	DECLARATION of Margaret Bestrain in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 06/08/2007)
06/08/2007	<u>232</u>	DECLARATION of Thomas Jansen in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 06/08/2007)
06/08/2007	<u>233</u>	DECLARATION of Wade Dennis in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 06/08/2007)
06/08/2007	<u>234</u>	DECLARATION of Jane Polcen in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 06/08/2007)
06/08/2007	<u>235</u>	DECLARATION of Samuel Morris in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Attachments: # <u>1</u> Attachment 1# <u>2</u> Attachment 2# <u>3</u> Attachment 3# <u>4</u> Attachment 4)(Skinner, Peter) (Entered: 06/08/2007)
06/08/2007	<u>236</u>	DECLARATION of Sean Lane in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Attachments: # <u>1</u> Exhibit A part 1# <u>2</u> Exhibit A part 2# <u>3</u> Exhibit A part 3# <u>4</u> Exhibit A part 4# <u>5</u> Exhibit A part 5# <u>6</u> Exhibit B# <u>7</u> Exhibit C# <u>8</u> Exhibit D# <u>9</u> Exhibit E)(Skinner, Peter) (Entered: 06/08/2007)
06/08/2007	<u>237</u>	DECLARATION of Stewart Aly 3rd in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5)(Skinner, Peter) (Entered: 06/08/2007)
06/08/2007	<u>238</u>	DECLARATION of Steven Lynch in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 06/08/2007)
06/08/2007	<u>239</u>	MEMORANDUM OF LAW in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Skinner, Peter) (Entered: 06/08/2007)
06/27/2007	<u>240</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Lawrence S. Lustberg dated 6/27/07 re: granting plaintiffs' requests for an extension of time within which to file their opposition to Dfts' Third Motion for Partial Summary Judgment an Reply in Support of Plaintiffs' Third Motion for Partial Summary Judgment. Plaintiffs seek permission to file their brief on 8/15/07. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 6/27/07) (pl) (Entered: 06/28/2007)
08/14/2007	<u>241</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Lawrence Lustberg dated 8/13/07 re: counsel for plaintiffs seek an additional extension of time until 9/14/07 in which to file their reply to dfts' opposition to plaintiffs' third motion for partial summary judgment and dfts' third motion for partial summary judgment. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 8/13/07) (dle) (Entered: 08/15/2007)
09/14/2007	<u>242</u>	REPLY MEMORANDUM OF LAW in Support re: <u>218</u> THIRD MOTION for Partial Summary Judgment. <i>and in Opposition to Defendants' Third Motion for Summary Judgment.</i> Document filed by American Civil Liberties Union. (Attachments: # <u>1</u> Exhibit I (DOD))(Clark, Melanca) (Entered: 09/14/2007)

		09/14/2007)
10/09/2007	<u>243</u>	ENDORSED LETTER addressed to Judge Hellerstein from Sean Lane dated 10/5/07 re: Request for an extension of time until 11/16/07 for the Govt to file its reply in support of the Government's third motion for partial summary judgment. ENDORSEMENT: So ordered. Set Deadlines/Hearing as to <u>224</u> THIRD MOTION for Summary Judgment: Reply due by 11/16/2007. (Signed by Judge Alvin K. Hellerstein on 10/9/07) (cd) (Entered: 10/09/2007)
10/26/2007	<u>244</u>	ORDER TO SHOW CAUSE: Defendant Office of Legal Counsel shall show cause as to why preliminary injunctive relief should not be granted. Show Cause Hearing set for 11/13/2007 at 04:00 PM in Courtroom 14D, 500 Pearl Street, New York, NY 10007 before Judge Alvin K. Hellerstein. It is hereby ORDERED that Defendant, if opposed to Plaintiffs' application for a preliminary injunction, shall serve any and all papers in opposition by 11/5/07; and it is further ORDERED that Plaintiffs shall serve any and all additional papers in support of the within no later than 11/8/07. Security bond not required. (Signed by Judge Alvin K. Hellerstein on 10/26/07) (tro) (Entered: 10/29/2007)
10/29/2007	<u>245</u>	MEMORANDUM OF LAW in Support re: <u>244</u> Order to Show Cause,, <i>In Support of Preliminary Injunction</i> . Document filed by American Civil Liberties Union. (Clark, Melanca) (Entered: 10/29/2007)
10/29/2007	<u>246</u>	AFFIDAVIT of Melanca D. Clark in Support re: <u>244</u> Order to Show Cause,,. Document filed by American Civil Liberties Union. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K)(Clark, Melanca) (Entered: 10/29/2007)
11/05/2007	<u>247</u>	MEMORANDUM OF LAW in Opposition re: <u>244</u> Order to Show Cause,,. Document filed by Department Of Justice. (Skinner, Peter) (Entered: 11/05/2007)
11/05/2007	<u>248</u>	DECLARATION of Paul P. Colborn in Opposition re: <u>244</u> Order to Show Cause,,. Document filed by Department Of Justice. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I)(Skinner, Peter) (Entered: 11/05/2007)
11/08/2007	<u>249</u>	REPLY MEMORANDUM OF LAW in Support re: <u>244</u> Order to Show Cause,,. Document filed by American Civil Liberties Union. (Clark, Melanca) (Entered: 11/08/2007)
11/08/2007	<u>250</u>	AFFIDAVIT of Shayana Kadidal in Support re: <u>244</u> Order to Show Cause,,. Document filed by Center for Constitutional Rights, Inc.. (Clark, Melanca) (Entered: 11/08/2007)
11/14/2007	<u>251</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 11/13/07 re: Counsel for U.S. Defendant(s) request an extension from November 16, 2007 until December 7, 2007 for the Government to file its reply brief in further support of its third motion for partial summary judgment. ENDORSEMENT: So ordered., Set Deadlines/Hearing as to <u>224</u> THIRD MOTION for Summary Judgment: Replies due by 12/7/2007. (Signed by Judge Alvin K. Hellerstein on 11/14/07) (tro) (Entered: 11/14/2007)
12/06/2007	<u>252</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean Lane dated 12/6/07 re: Request for an extension of time from 12/7 to 12/12/07, for the Govt to file a third motion for partial summary judgment. ENDORSEMENT: So ordered. Set Deadlines/Hearing as to <u>224</u> THIRD MOTION for Summary Judgment:(Reply due by 12/12/2007.) (Signed by Judge Alvin K. Hellerstein on 12/6/07) (cd) (Entered: 12/07/2007)
12/07/2007	<u>253</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Lawrence S. Lustberg dated 12/6/2007 re: Plaintiffs request that a hearing date be scheduled at the Court's earliest convenience. ENDORSEMENT: The motion will be heard 1/7/2008 at 3:30 p.m. before Judge Alvin K. Hellerstein. (Signed by Judge Alvin K. Hellerstein on 12/7/2007) (jar) (Entered: 12/07/2007)
12/12/2007	<u>254</u>	MOTION for Contempt and Sanctions. Document filed by American Civil Liberties Union.(Clark, Melanca) (Entered: 12/12/2007)
12/12/2007	<u>255</u>	MEMORANDUM OF LAW in Support re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by American Civil Liberties Union. (Clark, Melanca) (Entered: 12/12/2007)
12/12/2007	<u>256</u>	DECLARATION of Amrit Singh in Support re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by American Civil Liberties Union. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Clark, Melanca) (Entered: 12/12/2007)

12/12/2007	<u>257</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Peter M. Skinner dated 12/11/2007 re: request a one-day extension from 12/12/2007 to 12/13/2007, for the government to file its reply brief in further support of its third motion for partial summary judgment. ENDORSEMENT: So Ordered. (Reply is due by 12/13/2007.) (Signed by Judge Alvin K. Hellerstein on 12/12/2007) (jar) (Entered: 12/12/2007)
12/13/2007	<u>258</u>	REPLY MEMORANDUM OF LAW in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Lane, Sean) (Entered: 12/13/2007)
12/13/2007	<u>259</u>	DECLARATION of Brian S. Kinsey in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Lane, Sean) (Entered: 12/13/2007)
12/13/2007	<u>260</u>	DECLARATION of Paul P. Colborn in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Lane, Sean) (Entered: 12/13/2007)
12/13/2007	<u>261</u>	DECLARATION of Stewart F. Aly in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Attachments: # <u>1</u> Exhibit A)(Lane, Sean) (Entered: 12/13/2007)
12/13/2007	<u>262</u>	DECLARATION of Sean H. Lane in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency, Department of Defense. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B -- Part 1, # <u>3</u> Exhibit B -- Part 2, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Errata G)(Lane, Sean) (Entered: 12/13/2007)
12/14/2007	<u>263</u>	NOTICE OF APPEARANCE by Amrit Singh on behalf of American Civil Liberties Union (Singh, Amrit) (Entered: 12/14/2007)
12/17/2007	<u>264</u>	NOTICE OF APPEARANCE by Judy Rabinovitz on behalf of American Civil Liberties Union (Rabinovitz, Judy) (Entered: 12/17/2007)
12/19/2007	<u>265</u>	NOTICE OF APPEARANCE by Jameel Jaffer on behalf of American Civil Liberties Union (Jaffer, Jameel) (Entered: 12/19/2007)
12/19/2007	<u>266</u>	SUPPLEMENTAL BRIEF re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by American Civil Liberties Union. (Attachments: # <u>1</u> Amrit Singh Declaration In Support of Supplement, # <u>2</u> Exhibit I in Support of Amrit Singh Declaration, # <u>3</u> Exhibit J in Support of Amrit Singh Declaration)(Singh, Amrit) (Entered: 12/19/2007)
01/03/2008	<u>267</u>	NOTICE OF APPEARANCE by Alexa Rebecca Kolbi-Molinas on behalf of American Civil Liberties Union (Kolbi-Molinas, Alexa) (Entered: 01/03/2008)
01/07/2008	<u>268</u>	SCHEDULING ORDER: Oral Argument set for 1/16/2008 at 03:00 PM before Judge Alvin K. Hellerstein. The parties will present their arguments in the following order: First, plaintiff's motion for a preliminary injunction with respect to three legal memorandum created by the Office of Legal Counsel regarding the Central Intelligence Agency use of interrogation techniques for terror detainees; second, the third cross motions for partial summary judgment regarding the production of certain CIA documents that may be responsive to plaintiff's FOIA requests, and third, plaintiff's motion for contempt and sanctions against the CIA. SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 1/4/2008) (jmi) (Entered: 01/08/2008)
01/10/2008	<u>269</u>	MEMORANDUM OF LAW in Opposition re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 01/10/2008)
01/10/2008	<u>270</u>	DECLARATION of Peter M. Skinner in Opposition re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by Central Intelligence Agency. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Skinner, Peter) (Entered: 01/10/2008)
01/10/2008	<u>271</u>	DECLARATION of Constance E. Rea in Opposition re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by Central Intelligence Agency. (Attachments: # <u>1</u> Exhibit 1)(Skinner, Peter) (Entered: 01/10/2008)
01/14/2008	<u>272</u>	REPLY MEMORANDUM OF LAW in Support re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by American Civil Liberties Union. (Clark, Melanca) (Entered: 01/14/2008)
01/14/2008	<u>273</u>	DECLARATION of Amrit Singh in Support re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by American Civil Liberties Union. (Attachments: # <u>1</u> Exhibit K, # <u>2</u> Exhibit L, # <u>3</u>

		Exhibit M)(Clark, Melanca) (Entered: 01/14/2008)
01/15/2008		***DELETED DOCUMENT. Deleted document number <u>274</u> ENDORSED LETTER. The document was incorrectly filed in this case. (ae) (Entered: 01/15/2008)
01/15/2008	<u>274</u>	BRIEF re: <u>254</u> MOTION for Contempt and Sanctions. <i>Supplemental Submission</i> . Document filed by American Civil Liberties Union.(Clark, Melanca) (Entered: 01/15/2008)
01/15/2008	<u>275</u>	DECLARATION of Amrit Singh in Support re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by American Civil Liberties Union. (Attachments: # <u>1</u> Exhibit O)(Clark, Melanca) (Entered: 01/15/2008)
01/16/2008	<u>276</u>	DECLARATION of Amrit Singh in Support re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by American Civil Liberties Union. (Attachments: # <u>1</u> Exhibit O (revised))(Clark, Melanca) (Entered: 01/16/2008)
01/16/2008		Minute Entry for proceedings held before Judge Alvin K. Hellerstein: Oral Argument held on 1/16/2008. (jar) (Entered: 02/07/2008)
01/17/2008		Minute Entry for proceedings held before Judge Alvin K. Hellerstein: Oral Argument held on 1/17/2008. (jar) (Entered: 02/07/2008)
01/28/2008	<u>277</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 1/25/08 re: Counsel requests that the Court adjourn the in camera review scheduled for Tuesday, 1/29/08 as to a sample of documents of the Department of Defense. ENDORSEMENT: The conf. is adjourned to a date to be fixed, upon application by either side. (Signed by Judge Alvin K. Hellerstein on 1/28/08) (tro) (Entered: 01/28/2008)
02/15/2008	<u>278</u>	DECLARATION of Amrit Singh in Support re: <u>218</u> THIRD MOTION for Partial Summary Judgment.. Document filed by American Civil Liberties Union. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C – Part 1, # <u>4</u> Exhibit C – part 2, # <u>5</u> Exhibit C – part 3, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G)(Clark, Melanca) (Entered: 02/15/2008)
02/15/2008	<u>279</u>	MEMORANDUM OF LAW in Support re: <u>218</u> THIRD MOTION for Partial Summary Judgment. <i>Supplemental Brief</i> . Document filed by American Civil Liberties Union. (Clark, Melanca) (Entered: 02/15/2008)
02/20/2008	<u>280</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Melanca D. Clark dated 2/15/2008 re: Plaintiff's write this letter to request that the following three attorneys be removed from the above-referenced docket listing plaintiffs' counsel and from the ECF electronic mail notification system: Demetrios C. Batsides no longer works on this matter; and, Jennifer Ching and Megan E. Lewis have both left the Gibbons firm. Thank you for your kind attention. ENDORSEMENT: SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 2/20/2008) (jmi) (Entered: 02/21/2008)
02/21/2008	<u>281</u>	TRANSCRIPT of proceedings held on 1/17/08 before Judge Alvin K. Hellerstein. (jbe) (Entered: 02/21/2008)
02/21/2008	<u>282</u>	TRANSCRIPT of proceedings held on 1/16/08 before Judge Alvin K. Hellerstein. (jbe) (Entered: 02/21/2008)
02/29/2008	<u>283</u>	ORDER REGULATING CIA & DOD DOCUMENT PRODUCTION, the DoD documents selected for sampling in camera shall be produced in my chambers, Rm 1050, USDC–SDNY, 500 Pearl St., NY NY, on 3/17/08, 11 am. The CIA shall have until 3/31/08: (a) to complete its review of its documents identified in its Vaughn Declaration, and as further set forth in this document. With regard to any claimed exemptions, the Court will schedule a hearing to address same, also to be held within 10 days. (Signed by Judge Alvin K. Hellerstein on 2/28/08) (cd) (Entered: 02/29/2008)
03/03/2008	<u>284</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 2/29/08 re: Counsel for defendant requests an extension of time until March 31, 2008 to respond to the Supplemental Brief filed by Plaintiffs in the above captioned case on February 15, 2008. ENDORSEMENT: So Ordered. A date for in camera review, if requires will be scheduled. So Ordered. (Signed by Judge Alvin K. Hellerstein on 3/3/08) (js) (Entered: 03/03/2008)
03/31/2008	<u>285</u>	SUPPLEMENTAL MEMORANDUM OF LAW in Opposition re: <u>218</u> THIRD MOTION for Partial Summary Judgment.. Document filed by Central Intelligence Agency. (Skinner, Peter) (Entered: 03/31/2008)

04/03/2008	<u>286</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean Lane, Peter Skinner dated 4/2/08 re: counsel for the Government requests that the in camera review take place, at the Court's convenience on one of the following dates: 4/15, 4/16, 4/18, 4/22, 4/23, 4/24, 4/25. ENDORSEMENT: The DOD in camera review will take place on 4/15/08 at 2:00 p.m. in chambers. (Signed by Judge Alvin K. Hellerstein on 4/3/08) (dle) (Entered: 04/03/2008)
04/04/2008	<u>287</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Melanca D. Clark dated 4/3/08 re: Plaintiffs request until April 18, 2008, to submit a reply to the Government's March 31, 2008 response to Plaintiffs' supplemental brief, dated February 15, 2008. The Government has no objection to this deadline. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 4/4/08) (js) (Entered: 04/04/2008)
04/15/2008	<u>288</u>	DECLARATION of Fifth Declaration of Stewart F. Aly in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department of the Army, Department of Defense. (Lane, Sean) (Entered: 04/15/2008)
04/18/2008	<u>289</u>	REPLY MEMORANDUM OF LAW in Support re: <u>218</u> THIRD MOTION for Partial Summary Judgment. <i>Supplemental Submission</i> . Document filed by American Civil Liberties Union. (Clark, Melanca) (Entered: 04/18/2008)
04/28/2008	290	TRANSCRIPT of proceedings held on 4/15/2008 before Judge Alvin K. Hellerstein. (ama) (Entered: 04/28/2008)
04/30/2008	<u>291</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 4/29/08 re: DOD respectfully requests a short extension of time of four business day, until Monday 5/5/08, to provide the Court with a final answer on this question; at that time, the Government will either publicly release CITF 199 or provide the Court with a declaration explaining any additional factual information relevant to the Court's consideration of that document. ENDORSEMENT: I approve the actions taken, as requested in this letter and grant the four day enlargement requested in paragraph "third". (Signed by Judge Alvin K. Hellerstein on 4/30/08) (pl) (Entered: 04/30/2008)
05/08/2008	<u>292</u>	ORDER GRANTING PLAINTIFF'S MOTION FOR RECONSIDERATION: I have read the materials submitted by the plaintiffs, and realize that I did not give sufficient consideration either to Nat'l Counsel of La Raza v. Dep't of Justice, 411 F.3d 350, or to the evidence submitted by plaintiffs to the effect that all or parts of Item 29 may have been incorporated into official practice and policy, or as justification of the same. Accordingly, I grant plaintiffs' motion for reconsideration. The Government shall produce Item 29 for in camera review, along with the selected sample documents, at the previously scheduled CIA documents in camera review on 5/12/2008, at 11 a.m. in my chambers, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, Room 1050, New York, NY 10007. The protocol for the in camera review shall be in the format previously described to the parties during the 2/6/08 conference call. A copy of that protocol is attached to this order. (Signed by Judge Alvin K. Hellerstein on 5/8/2008) (tve) (Entered: 05/08/2008)
05/08/2008		Set Deadlines/Hearings: In Camera Hearing set for 5/12/2008 at 11:00 AM before Judge Alvin K. Hellerstein. (tve) (Entered: 05/08/2008)
05/29/2008	<u>295</u>	ORDER RELEASING TRANSCRIPTS AND REGULATING PROCEEDINGS, In accordance with Judge Hellerstein's rulings during the January 16–17, 2008, oral argument on plaintiffs pending motions in this case, Judge Hellerstein conducted two in camera reviews of classified Department of Defense (DOD) and Central Intelligence Agency (CIA) documents, on April 15, 2008 and May 12, 2008, respectively. On April 15, 2008, Judge Hellerstein conducted an in camera review of 30 classified DOD documents. The documents were composed of samples chosen by plaintiffs from a list provided by defendants. The purpose of the review was to determine whether the documents should properly be withheld under exemptions to the Freedom of Information Act (FOIA), as declared by the Government. A court reporter was present and a transcript with unclassified comments was produced. Judge Hellerstein reviewed both the publicly filed Vaughn declaration describing each classified document, and then examined the document itself. The transcript provides Judge Hellerstein's rulings on each of the documents in the sample, including the document marked CITF 99, which was released in full by the Government to the plaintiffs on May 5, 2008. Judge Hellerstein have completed consideration of all DOD–related documents in this case of a sample chosen by plaintiffs, using the same procedures as with the DOD documents, and, in addition, three documents from the Office of Legal Counsel ("OLC") to the CIA, also chosen by plaintiffs, and item 61, which is the presidential authorization for the CIA interrogation and detention program. The protocol for review, as attached to the order granting plaintiffs' motion for reconsideration, was followed. The released transcript provides some of Judge Hellerstein's preliminary rulings. On June 17, 2008 at 2 p.m., Judge Hellerstein will hold another in camera review, and consider

		supplementary classified declarations to be submitted by the government. Judge Hellerstein expects then to make final rulings concerning the CIA documents. The parties will be advised of his rulings. (Signed by Judge Alvin K. Hellerstein on 5/28/08) (mme) (rw). (Entered: 05/29/2008)
06/24/2008	<u>296</u>	DECLARATION of John Durham in Support re: <u>224</u> THIRD MOTION for Summary Judgment.. Document filed by Department Of Justice. (Skinner, Peter) (Entered: 06/24/2008)
07/21/2008	<u>298</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 7/17/08 re: Counsel for defendant request a three business day extension of the stay until July 22, 2008. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 7/18/08) (js) (Entered: 07/21/2008)
07/22/2008	<u>299</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Peter M. Skinner dated 7/21/08 re: Request for a conference. ENDORSEMENT: The issue of a stay (paragraph 2, below) and the status of any and all remaining issues in this litigation will be discussed at conference to be held 8/6/08 at 11:00 a.m. and any necessary schedules will then be determined. (Status Conference set for 8/6/2008 at 11:00 AM before Judge Alvin K. Hellerstein.) (Signed by Judge Alvin K. Hellerstein on 7/22/08) (db) (Entered: 07/22/2008)
07/22/2008	<u>300</u>	ORDER: The second through fifth words of the second line of the second paragraph of OLC Document No. 70 are properly withheld from disclosure under the Freedom of Information Act. (Signed by Judge Alvin K. Hellerstein on 7/22/08) (db) (Entered: 07/22/2008)
07/25/2008	<u>301</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Melanca D. Clark dated 7/24/2008 re: Requesting that the portions of the transcript of the in camera proceedings in this matter held on June 17, 2008, be unsealed and placed on the docket. ENDORSEMENT: So ordered as to the unsealing and as to conference. (Signed by Judge Alvin K. Hellerstein on 7/25/2008) (jpo) (Entered: 07/28/2008)
07/30/2008	<u>302</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Melanca D. Clark dated 7/29/2008 re: Counsel for plaintiff writes to respectfully seek an extension of time to file an appeal until 8/15/2008. ENDORSEMENT: The issue will be discussed at the forthcoming conference, 8/12/2008 at 4:00 pm. Meanwhile, the extension to 8/15/2008 is granted. (Signed by Judge Alvin K. Hellerstein on 7/29/2008) (tve) (Entered: 07/30/2008)
08/14/2008	<u>303</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Melanca D. Clark dated 8/14/08 re: Request that the time for plaintiffs' appeal be extended. ENDORSEMENT: Plaintiffs are granted an extension of ten days until after the 8/18/08 conference to appeal, or to a date to be announced at the conference. (Signed by Judge Alvin K. Hellerstein on 8/14/08) (db) (Entered: 08/14/2008)
08/20/2008	<u>305</u>	ORDER REGULATING PROCEEDINGS: After hearing argument on plaintiff's contempt motion on 1/16-17/2008, and 8/18/2008, I defer any findings of contempt by defendant CIA at this time. I find the facts before me insufficient to justify a holding of civil contempt. I find there has yet to be any such "clear and convincing evidence" of noncompliance on the CIA's part. Accordingly, as stated at the conference, I order the Government to submit a supplemental declaration from Special Prosecutor, John H. Durham, who is leading the criminal investigation into the destruction of the videotapes. The declaration is to be submitted by 9/10/2008. SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 8/20/2008) (tve) (Entered: 08/20/2008)
08/28/2008	<u>306</u>	ORDER GRANTING PRELIMINARY INJUNCTION IN PART AND DENYING IN PART: For reasons further set forth in said Order, the defendants are either to produce the 3 OLC Opinions to plaintiffs, or, if defendants believe that the opinions are covered by specific FOIA exemptions, defendants are to produce a detailed Vaughn declaration identifying each document and the exemptions being claimed. Defendants' response will be due 10/3/08. In all other aspects, including plaintiffs' request for a temporal cut-off date of 6/30/05, rather than the 1/31/05 date used by the defendants, plaintiffs' motion is denied. The Clerk shall note that the Motion (Doc. #244) is now terminated. (Signed by Judge Alvin K. Hellerstein on 8/28/08) (db) (Entered: 08/28/2008)
09/02/2008	<u>307</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean Lane dated 8/29/08 re: Request that the parties be permitted to submit the proposed order on or before Friday, 9/5/08. ENDORSEMENT: So ordered. (Signed by Judge Alvin K. Hellerstein on 9/2/08) (cd) (Entered: 09/02/2008)
09/05/2008	308	TRANSCRIPT of proceedings held on 8/18/08 before Judge Alvin K. Hellerstein. (ama) (Entered: 09/05/2008)

09/16/2008	<u>309</u>	ORDER DEFERRING CONSIDERATION OF PLAINTIFF'S MOTION TO CITE CIA FOR CONTEMPT: Accordingly, compliance with my Order of August 20, 2008 is deferred until December 24,2008. Plaintiff's motion to cite the CIA for contempt will remain on my docket. As requested by the Government, the Second Declaration of John H. Durham will be filed under seal. (Signed by Judge Alvin K. Hellerstein on 9/16/2008) (jfe) Modified on 10/10/2008 (jfe). (Entered: 09/16/2008)
09/16/2008		Transmission to Sealed Records Clerk. Transmitted re: <u>309</u> Order,, to the Sealed Records Clerk for the sealing or unsealing of document or case. (jfe) (Entered: 09/16/2008)
09/19/2008	<u>311</u>	ORDER GRANTING AND DENYING MOTIONS FOR PARTIAL SUMMARY JUDGMENT: IT IS HEREBY ORDERED, consistent with the Court's rulings at the OralArgument and during the in camera proceedings, 1. Plaintiffs' third partial summary judgment motion is granted to the extent that the Court has previously ordered the release of certain information, as set forth above; 2. The Court's disclosure rulings with respect to DOD documents shall be applied to other responsive DOD documents where the same rationale for release applies; 3. The Court's disclosure rulings with respect to the final version of OIG Other Document No.5 shall be applied within the class of documents consisting of records contained in closed OIG files to other documents where the same rationale for release applies; 4. The Court's disclosure rulings with respect to OLC Document Nos. 12 and70 shall be applied within the class of documents consisting of classified records that OLCreferred to CIA for processing to other documents where the same rationale for release applies;5. The Court's disclosure rulings with respect to Item 29 shall be applied toother documents addressed in the parties' third cross-motions for summary judgment that are from OLC to CIA and that contain the same legal reasoning as Item 29; 6. The Court's disclosure rulings with respect to Item 29 are not applicable to the memoranda at issue in the OLC Motion, although Plaintiffs are not precluded from arguing in the future that Exemption 5 is inapplicable to those memoranda for the same reasons the Court held the exemption to be inapplicable to Item 29, and the Government is not precluded from opposing any such argument;7. Except as set forth in the disclosure orders described in the whereasclauses above, the Government's third motion for partial summary judgment is granted, as the Court concludes, based on its review of the Government's submissions and its in camera review, that the Government has satisfied its burden of establishing that the Government has released all reasonably segregable, nonexempt information. 8. The Court enters final judgment with respect to the rulings described in paragraph 7 above because there is no just reason for delay of any appeal of those rulings. See Fed. R. Civ. P. 54(b). 9. The Court retains jurisdiction over the pending CIA Motion and any further proceedings concerning the OLC Motion but otherwise dismisses this case as against all other remaining defendants, including: 1) the Department of Defense and its components; 2) the Department of Homeland Security; 3) the Department of State; and 4) the Department of Justice and its components other than OLC.. (Signed by Judge Alvin K. Hellerstein on 9/19/2008) (jfe) (Entered: 09/19/2008)
09/23/2008	<u>312</u>	CLERK'S JUDGMENT in favor of American Civil Liberties Union against Advance Publications, Inc., Central Intelligence Agency, Department Of Homeland Security, Department Of Justice, Department of Defense, Department of State, Department of the Army, Federal Bureau Of Investigation that plaintiffsthird motion for summary judgment is granted pursuant to FRCP 54b since there is no just reason for delay (Signed by J. Michael McMahon, Clerk on 9/23/08) (jf) (Additional attachment(s) added on 9/24/2008: # <u>1</u> notice of right to appeal) (jf). (Entered: 09/24/2008)
10/02/2008	<u>313</u>	NOTICE OF APPEAL from <u>312</u> Clerk's Judgment, <u>311</u> Order on Motion for Partial Summary Judgment. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. Filing fee \$ 455.00, receipt number E 664653. (nd) (Entered: 10/06/2008)
10/06/2008		Transmission of Notice of Appeal to the District Judge re: <u>313</u> Notice of Appeal,. (nd) (Entered: 10/06/2008)
10/06/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>313</u> Notice of Appeal,. (nd) (Entered: 10/06/2008)
10/06/2008	<u>314</u>	NOTICE OF APPEARANCE by Jennifer Brooke Condon on behalf of American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace (Condon, Jennifer) (Entered: 10/06/2008)
10/06/2008	<u>315</u>	MOTION for Extension of Time <i>for Attorneys' Fees Motion</i> . Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace.(Condon, Jennifer) (Entered: 10/06/2008)

10/06/2008	<u>316</u>	AFFIDAVIT of Lawrence S. Lustberg in Support re: <u>315</u> MOTION for Extension of Time <i>for Attorneys' Fees Motion</i> .. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Condon, Jennifer) (Entered: 10/06/2008)
10/06/2008	<u>317</u>	MEMORANDUM OF LAW in Support re: <u>315</u> MOTION for Extension of Time <i>for Attorneys' Fees Motion</i> .. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Condon, Jennifer) (Entered: 10/06/2008)
10/23/2008		***DELETED DOCUMENT. Deleted document number <u>318</u> memo endorsed on Notice of Motion. The document was incorrectly filed in this case. (js) (Entered: 10/23/2008)
10/23/2008	<u>318</u>	MEMO ENDORSED ON NOTICE OF MOTION FOR EXTENSION OF TIME TO FILE ATTORNEYS' FEES MOTION: ENDORSEMENT: Motion granted. Time is enlarged 90 days after resolution of all appeals. So Ordered. (Signed by Judge Alvin K. Hellerstein on 10/23/08) (js) (Entered: 10/23/2008)
10/29/2008	<u>319</u>	ORDER DENYING MOTION FOR PARTIAL RECONSIDERATION: On September 12, 2008, Defendants filed a motion for partial reconsideration (in case 05cv9620 (AKH)) of my order of August 28, 2008, which granted Plaintiffs motion for preliminary injunctive relief in part by directing Defendants either to produce three Office of Legal Counsel (OLC) memoranda, two dated May 10, 2005 and one dated May 30, 2005, or to submit a Vaughn declaration describing and claiming exemptions for those documents. Because Defendants have presented no controlling decisions or facts overlooked by my order of August 28, 2008, and again on the merits, the motion for partial reconsideration is denied. The Clerk shall mark the motion (Doc. #18) in 05cv9620 (AKH) as terminated. Also filed in 05cv9620 (AKH). (Signed by Judge Alvin K. Hellerstein on 10/29/08) (db) (Entered: 10/29/2008)
10/31/2008	<u>320</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 10/30/08 re: Counsel requests a short extension of time to 7 days, until November 7, 2008, to produce to plaintiffs the single remaining Army report, comprised of approximately 700 pages. ENDORSEMENT: So ordered. (Signed by Judge Alvin K. Hellerstein on 10/30/08) (mme) (Entered: 10/31/2008)
12/12/2008	<u>321</u>	FOURTH MOTION for Summary Judgment. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. Responses due by 1/15/2009(Condon, Jennifer) (Entered: 12/12/2008)
12/12/2008	<u>322</u>	MEMORANDUM OF LAW in Support re: <u>321</u> FOURTH MOTION for Summary Judgment.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Condon, Jennifer) (Entered: 12/12/2008)
12/12/2008	<u>323</u>	DECLARATION of Jennifer B. Condon in Support re: <u>321</u> FOURTH MOTION for Summary Judgment.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P)(Condon, Jennifer) (Entered: 12/12/2008)
12/12/2008	<u>324</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU (Rule 56.1 Statement) – AFFIRMATION of Plaintiffs' Rule 56.1 Statement of Material Facts in Support re: <u>321</u> FOURTH MOTION for Summary Judgment. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Condon, Jennifer) Modified on 12/15/2008 (jar). (Entered: 12/12/2008)
12/12/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Note to Attorney Jennifer Condon to RE-FILE Document <u>324</u> Affirmation in Support of Motion. Use the event type Rule 56.1 Statement found under the event list Other Answers. (jar) (Entered: 12/15/2008)
12/15/2008	<u>325</u>	RULE 56.1 STATEMENT. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Condon, Jennifer) (Entered: 12/15/2008)
01/06/2009	<u>326</u>	ORDER DEFERRING CONSIDERATION OF PLAINTIFFS' MOTION TO CITE CIA FOR CONTEMPT: Accordingly, I defer compliance with my order of August 20, 2008 until February 28,

		2009. Plaintiffs' motion to cite the CIA for contempt will remain on my docket. An unredacted version of the December 22, 2008 Declaration of John H. Durham shall be filed under seal. A version of the declaration, as redacted by Mr. Durham, shall be filed publicly. (Signed by Judge Alvin K. Hellerstein on 1/6/2009) (rw) Modified on 1/7/2009 (rw). (Entered: 01/06/2009)
01/15/2009	<u>327</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 1/14/2009 re: Requesting a thirty day extension, until February 13, 2009, of the Government's time to file its opposition to plaintiffs' fourth motion for summary judgment and the Government's cross-motion. ENDORSEMENT: So ordered. (Signed by Judge Alvin K. Hellerstein on 1/15/2009) (jpo) Modified on 2/8/2009 (jpo). (Entered: 01/15/2009)
02/17/2009	<u>328</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 2/11/2009 re: Requesting a 90 day extension of time, from February 13, 2009 until May 14, 2009, to file the Government's opposition to plaintiffs' fourth motion for summary judgment and the Government's cross motion. ENDORSEMENT: The parties shall appear for an on-the-record hearing on February 18, 2009 at 3 p.m., to establish the necessity of any extension of time beyond 14 days. (Signed by Judge Denise L. Cote Part I on 2/13/2009) (jpo) Modified on 2/24/2009 (jpo). (Entered: 02/17/2009)
02/17/2009		Set Deadlines/Hearings: Status Conference set for 5/14/2009 at 03:00 PM before Judge Alvin K. Hellerstein. (jpo) Modified on 2/24/2009 (jpo). (Entered: 02/24/2009)
02/18/2009	<u>329</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 2/17/09 re: Counsel suggests that the hearing currently scheduled for tomorrow at 3 p.m. be canceled. ENDORSEMENT: So ordered. (Signed by Judge Alvin K. Hellerstein on 2/17/09) (mme) (Entered: 02/18/2009)
03/03/2009	<u>330</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Peter M. Skinner dated 3/2/2009 re: Counsel expects that the Court will enter an order requiring the production of the information contemplated in the August 20, 2008 Order Regulating Proceedings namely set forth within. ENDORSEMENT: The Court defers issuing its Order until after it reviews the schedule for production produced by the government. The Court expects that schedule to recommend tight, binding dates, reflecting minimal delays. (Signed by Judge Alvin K. Hellerstein on 3/3/2009) (jfe) Modified on 3/19/2009 (jfe). (Entered: 03/03/2009)
03/10/2009	<u>331</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Amrit Singh dated 3/9/2009 re: Accordingly, plaintiff's request that this Court that this Court conduct an independent in camera review of of that material and any other material the the CIA redacts in connection with the pending contempt motion with a view to determining whether such material should be publicly disclosed. ENDORSEMENT: Both this letter, and the government's letter of March 6, 2009 shall be docketed. A procedure for in camera review shall be established and confirmed by separate order. (Signed by Judge Alvin K. Hellerstein on 3/9/2009) (jpo) (Entered: 03/10/2009)
03/10/2009	<u>332</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Amrit Singh dated 3/9/09 re: Request that this Court conduct an independent review to determine whether the redacted information is properly classified. ENDORSEMENT: Both this letter, and the gov't's letter of 3/6/09 (next docket entry) shall be docketed. A procedure for in camera review shall be established and confirmed by separate order. (Signed by Judge Alvin K. Hellerstein on 3/9/09) (cd) (Entered: 03/11/2009)
03/10/2009	<u>333</u>	LETTER addressed to Amrit Singh and Jennifer Condon from Peter Skinner dated 3/6/09 re: Pages from the CIA Office of the Inspector General's Special Review Report that provide additional unredacted information re interrogation videotapes. Document filed by Central Intelligence Agency. (document docketed as requested in previous entry)(cd) (Entered: 03/11/2009)
03/16/2009	<u>334</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 3/16/2009 re: We write respectfully to request an additional three days, from March 16, 2009 until March 19, 2009, to file the Government's opposition to plaintiffs' fourth motion for summary judgment and the Government's cross-motion. Plaintiffs have consented to the proposed extension of time. ENDORSEMENT: SO ORDERED., (Responses due by 3/19/2009) (Signed by Judge Alvin K. Hellerstein on 3/16/2009) (jmi) Modified on 4/6/2009 (jmi). (Entered: 03/17/2009)
03/24/2009	<u>335</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 3/19/09 re: Counsel requests an additional two weeks, from March 19, 2009 until April 2, 2009, to file the Governments opposition to plaintiffs fourth motion for summary judgment and the Governments cross-motion. ENDORSEMENT: So ordered. (Signed by Judge Alvin K. Hellerstein on 3/20/09) (mme) (Entered: 03/24/2009)

03/27/2009	<u>336</u>	ORDER REGULATING PROCEEDINGS: By memo endorsement dated March 9, 2009, I proposed to review, in camera, documents and information produced by the CIA in response to my Order of August 20, 2008, and to confirm the procedure of such review by separate order. On March 26, 2009, I reviewed, ex parte and in camera, representative documents and information produced by the CIA relating to the destroyed videotapes that are the subject of Plaintiffs' pending motion for contempt and sanctions. I ordered the Government to create a work plan for production of this material to Plaintiffs, beginning with a Vaughn index within thirty days of my in camera review and production on a rolling basis thereafter, and to file this plan by April 9, 2009 for my approval. (Signed by Judge Alvin K. Hellerstein on 3/27/09) (tro) (Entered: 03/27/2009)
04/03/2009	<u>337</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 4/2/2009 re: Counsel respectfully request an additional 20 days from April 2, 2009 until April 22, 2009 to file the Government's opposition to plaintiff's fourth motion for summary judgment and the Government's cross-motion. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 4/3/2009) (jfe) (Entered: 04/03/2009)
04/03/2009		Set/Reset Deadlines: Cross Motions due by 4/22/2009. (jfe) (Entered: 04/03/2009)
04/20/2009	<u>339</u>	ORDER REGULATING GOVERNMENT'S PROPOSED WORKPLAN: By memo endorsement dated March 9, 2009, I proposed to review, in camera, documents and information produced by the CIA in response to my Order of August 20, 2008, and to confirm the procedure of such review by separate order. On March 26, 2009, I reviewed, ex parte and in camera, representative documents and information produced by the CIA relating to the destroyed videotapes that are the subject of Plaintiffs' pending motion for contempt and sanctions. I ordered the Government to create a work plan for production of this material to Plaintiffs, beginning with a Vaughn index within thirty days of my in camera review and production on a rolling basis thereafter, and to file this plan by April 9, 2009 for my approval. (Signed by Judge Alvin K. Hellerstein on 4/20/2009) (jmi) Modified on 5/1/2009 (jmi). (Entered: 04/24/2009)
04/21/2009	<u>338</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 4/21/09 re: Counsel requests an additional one week, until April 29, 2009, to file the Governments opposition to plaintiffs fourth motion for summary judgment and the governments cross motion. ENDORSEMENT: So ordered. (Signed by Judge Alvin K. Hellerstein on 4/21/09) (mme) (Entered: 04/22/2009)
04/21/2009		Set/Reset Deadlines: Cross Motions due by 4/29/2009. (mme) (Entered: 04/22/2009)
04/28/2009	<u>340</u>	MANDATE of USCA (Certified Copy) as to <u>197</u> Notice of Appeal filed by Department of Defense, Department of the Army USCA Case Number 06-3140-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is AFFIRMED in accordance with the opinion of this court. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 4/27/2009. (nd) (Entered: 04/28/2009)
04/28/2009		Transmission of USCA Mandate/Order to the District Judge re: <u>340</u> USCA Mandate,. (nd) (Entered: 04/28/2009)
04/30/2009	<u>341</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 4/28/09 re: Request for an additional ten days, from 4/29/09 until 5/8/09 to file the Government's opposition to plaintiffs' fourth motion for summary judgment and the Government's cross-motion. ENDORSEMENT: So ordered. Set Deadlines/Hearing as to <u>321</u> FOURTH MOTION for Summary Judgment. (Responses due by 5/8/2009) (Signed by Judge Alvin K. Hellerstein on 4/28/09) (cd) (Entered: 04/30/2009)
04/30/2009	<u>342</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 4/28/09 re: Counsel requests a one day extension of the deadline to submit the joint letter. ENDORSEMENT: So ordered. (Signed by Judge Alvin K. Hellerstein on 4/20/09) (mme) (Entered: 04/30/2009)
05/05/2009	<u>343</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 5/1/2009 re: The Government and plaintiffs have exchanged revised proposals in connection with the proposed schedule for the production of the information contemplated by the Court's Order of April 20, 2009. In order to allow the parties time to finalize their positions and reach agreement on as many issues as possible, the Government respectfully requests until Monday, May 4, 2009, to submit a joint letter to the Court. Plaintiffs consent to this request. The parties have previously asked for a total of two days additional time to submit the joint letter. ENDORSEMENT: SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 5/4/2009) (jmi) (Entered: 05/05/2009)
05/07/2009	<u>344</u>	ORDER REGULATING PROPOSED WORK PLAN: On April 9, 2009, the Government submitted a work plan for producing to Plaintiffs documents concerning certain videotapes destroyed by the CIA. On April 20, 2009, I ordered the parties to make changes to the plan, and to submit a joint

		letter containing either a new plan on which they agree, or a description of their differences. The parties submitted such a letter on May 5, 2009. The letter contains a joint proposal and schedule for producing the documents contemplated by paragraph 3 of my April 20, 2009 order, that is, documents that relate to the content of the videotapes. I approve, and hereby order, the parties' joint proposal and schedule with respect to producing these documents. However, the letter describes significant disagreement with respect to producing the documents contemplated by paragraph 4 of my April 20, 2009 order, that is, documents that relate to the destruction of the videotapes. The Government argues that producing these documents would interfere with the "active and ongoing" criminal investigation by John H. Durham into the destruction of the videotapes, but no declaration by Mr. Durham was supplied to show why that may be so. Plaintiffs argue that the Government may not "use Mr. Durham's investigation as a pretext for indefinitely postponing" its obligation to produce documents that I ordered to be produced, and which may be needed to resolve Plaintiffs' pending motion for contempt and sanctions. Plaintiffs further argue that, if postponement is warranted, the Government should immediately disclose at least the number and general nature of documents relating to the destruction of the videotapes. I decline to postpone the production required by paragraph 4 of my April 20, 2009 order, unless the Government makes a satisfactory justification for postponement. The circumstances in which the videotapes were destroyed are relevant to Plaintiffs' motion, as well as to the content of the videotapes themselves. Accordingly, by May 27, 2009, the Government shall submit papers and affidavits making the showing required by this order and prior orders. The showing may include also any reasons why the identity of persons involved in the destruction should not be disclosed, and proposals to substitute for any such non-disclosures. The parties' joint letter of May 5, 2009 is being filed publicly with this order. (Signed by Judge Alvin K. Hellerstein on 5/7/09) (tro) (Entered: 05/07/2009)
05/08/2009	<u>345</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 5/7/09 re: Counsel respectfully request an additional three business days, until 5/6/09, to file Government's opposition to plaintiffs' fourth motion for summary judgment and the Government's cross-motion. ENDORSEMENT: So Ordered. Set Deadlines/Hearing as to <u>321</u> FOURTH MOTION for Summary Judgment :(Responses due by 5/6/2009) (Signed by Judge Alvin K. Hellerstein on 5/8/09) (tro) (Entered: 05/08/2009)
05/08/2009		Set Deadlines/Hearings: Cross Motions due by 5/6/2009. (tro) (Entered: 05/08/2009)
05/08/2009	<u>346</u>	ENDORSED LETTER addressed to JUDGE Alvin K. Hellerstein from Heather K. McShain dated 5/8/09 re: The Government respectfully writes to inform the Court that the Government mistakenly inserted an incorrect due date in its request to the Court dated 5/8/09 regarding opposition to plaintiffs' fourth motion for summary judgment and Government's cross-motion. ENDORSEMENT: So ordered. Set Deadlines/Hearing as to <u>321</u> FOURTH MOTION for Summary Judgment :(Responses due by 5/13/2009) (Signed by Judge Alvin K. Hellerstein on 5/8/09) (tro) (Entered: 05/08/2009)
05/08/2009		Set Deadlines/Hearings: Cross Motions due by 5/13/2009. (tro) (Entered: 05/08/2009)
05/13/2009	<u>347</u>	FOURTH MOTION for Summary Judgment. Document filed by Department Of Justice, Central Intelligence Agency. Responses due by 6/12/2009(McShain, Heather) (Entered: 05/13/2009)
05/13/2009	<u>348</u>	MEMORANDUM OF LAW in Support re: <u>347</u> FOURTH MOTION for Summary Judgment. <i>And in opposition of Plaintiffs' Fourth Motion for Summary Judgment.</i> Document filed by Department Of Justice, Central Intelligence Agency. (McShain, Heather) (Entered: 05/13/2009)
05/13/2009	<u>349</u>	DECLARATION of Wendy M. Hilton in Support re: <u>347</u> FOURTH MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency. (McShain, Heather) (Entered: 05/13/2009)
06/03/2009	<u>350</u>	ORDER: I accept the Government's representation that three months are required, on condition that no further enlargements of time will be requested. I set a processing deadline for these documents at August 31, 2009. SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 6/3/2009) (tve) (Entered: 06/03/2009)
06/08/2009	<u>351</u>	DECLARATION of Leon E. Panetta re: <u>344</u> Order,,,,,, Document filed by Central Intelligence Agency. (Attachments: # <u>1</u> Index part 1, # <u>2</u> Index part 2)(Skinner, Peter) (Entered: 06/08/2009)
06/08/2009	<u>352</u>	DECLARATION of Leon E. Panetta re: <u>344</u> Order,,,,,, <i>CORRECTED</i> . Document filed by Central Intelligence Agency. (Attachments: # <u>1</u> Index part 1, # <u>2</u> Index part 2)(Skinner, Peter) (Entered: 06/08/2009)

06/12/2009	<u>353</u>	REPLY MEMORANDUM OF LAW in Support re: <u>347</u> FOURTH MOTION for Summary Judgment., <u>321</u> FOURTH MOTION for Summary Judgment.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Condon, Jennifer) (Entered: 06/12/2009)
06/12/2009	<u>354</u>	AFFIDAVIT of Jennifer B. Condon in Support re: <u>347</u> FOURTH MOTION for Summary Judgment., <u>321</u> FOURTH MOTION for Summary Judgment.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Condon, Jennifer) (Entered: 06/12/2009)
06/15/2009	<u>355</u>	DECLARATION of Jennifer B. Condon in Support re: <u>347</u> FOURTH MOTION for Summary Judgment., <u>321</u> FOURTH MOTION for Summary Judgment.. Document filed by Veterans for Common Sense, Veterans for Peace. (Attachments: # <u>1</u> Exhibit Part I (correct resolution), # <u>2</u> Exhibit Part 2 (correct resolution), # <u>3</u> Exhibit part 3 (correct resolution), # <u>4</u> Exhibit part 4 (correct resolution), # <u>5</u> Exhibit part 5 (correct resolution), # <u>6</u> Exhibit part 6 (correct resolution), # <u>7</u> Exhibit part 7 (correct resolution), # <u>8</u> Exhibit part 8 (correct resolution))(Condon, Jennifer) (Entered: 06/15/2009)
06/15/2009	<u>356</u>	TRUE COPY ORDER of USCA as to <u>197</u> Notice of Appeal filed by Department of Defense, Department of the Army USCA Case Number 06-3140-cv. Upon due consideration of the motion filed on behalf of the Defendant-Appellants Department of Defense, et al., seeking to have this Court recall the mandate that issued on April 27, 2009, and upon due consideration of the opposition thereto filed by the Plaintiff-Appellees ACLU, et al., it is hereby ORDERED that the mandate is recalled and shall hereafter be stayed pending disposition of the Petition for Certiorari to be filed on behalf of the Defendant-Appellants. An opinion will follow. Catherine O'Hagan Wolfe, Clerk USCA. Certified: 6/10/2009. (nd) (Entered: 06/15/2009)
06/15/2009		Appeal Remark as to <u>197</u> Notice of Appeal filed by Department of Defense, Department of the Army USCA Case Number 06-3140-cv: <u>340</u> USCA Mandate returned to the Court of Appeal pursuant to the <u>356</u> USCA Order. (nd) (Entered: 06/15/2009)
06/26/2009	<u>357</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 6/25/2009 re: Requesting an additional three weeks, until July 17, 2009, to file Governments reply in support of its cross-motion for summary judgment. ENDORSEMENT: Application granted. So ordered. (Signed by Judge P. Kevin Castel on 6/25/2009) (jpo) (Entered: 06/26/2009)
07/07/2009	<u>358</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. lane, Peter M. Skinner and Heather K. McShain dated 6/24/09 re: Response to Plaintiff's 6/17/09 letter. ENDORSEMENT: The revised briefing schedule is approved. Pls' request to enlarge the Para.4 range is denied, without prejudice to renewal upon a showing of cause, for such enlargement. The Government's proposed schedule as set forth in Para.'s 1-2 of this letter is approved. (Status Report due by 7/10/2009.) (Signed by Judge Alvin K. Hellerstein on 7/7/09) (db) (Entered: 07/07/2009)
07/07/2009	<u>359</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane, Peter M. Skinner and Heather K. McShain dated 7/1/09 re: We write to request an extension of time until 7/2/09, to process the 35 "DOD" documents; and an extension of time until 7/10/09 to file its cross-motion for summary judgment. ENDORSEMENT: So ordered as to both extensions. (Cross Motions due by 7/10/2009.) (Signed by Judge Alvin K. Hellerstein on 7/7/09) (db) (Entered: 07/07/2009)
07/08/2009	<u>363</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Amrit Singh dated 7/1/09 re: Request for an order that the government produce the OIG's report by no later than 7/6/09. ENDORSEMENT: The Court will meet with counsel, 7/15/09, 10:30 am, to discuss the issues described in this letter. The gov't will consider accelerating its schedule of production. (Status Conference set for 7/15/2009 at 10:30 AM before Judge Alvin K. Hellerstein.) (Signed by Judge Alvin K. Hellerstein on 7/7/09) (cd) (Entered: 07/13/2009)
07/10/2009	<u>360</u>	FIFTH MOTION for Summary Judgment. Document filed by Central Intelligence Agency. Responses due by 7/24/2009(McShain, Heather) (Entered: 07/10/2009)
07/10/2009	<u>361</u>	MEMORANDUM OF LAW in Support re: <u>360</u> FIFTH MOTION for Summary Judgment.. Document filed by Central Intelligence Agency. (McShain, Heather) (Entered: 07/10/2009)
07/10/2009	<u>362</u>	DECLARATION of Heather McShain in Support re: <u>360</u> FIFTH MOTION for Summary Judgment.. Document filed by Central Intelligence Agency. (Attachments: # <u>1</u> Exhibit A)(McShain, Heather) (Entered: 07/10/2009)

07/15/2009		Minute Entry for proceedings held before Judge Alvin K. Hellerstein: Status Conference held on 7/15/2009. Oral argument set for 8/20/2009 at 3:00 p.m. (tro) (Entered: 08/05/2009)
07/17/2009	<u>364</u>	REPLY MEMORANDUM OF LAW in Support re: <u>347</u> FOURTH MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency. (McShain, Heather) (Entered: 07/17/2009)
07/21/2009	<u>365</u>	ORDER: IT IS HEREBY ORDERED consistent with the Court's rulings at the conference, as to the 319 documents of the Central Intelligence Agency ("CIA") that have been remanded to this Court from the Second Circuit, the Government shall complete its processing as to one of those documents, the CIA Office of Inspector General Report (the "Report"), by August 24, 2009 such that, on or before that date, the Government will produce to the plaintiffs any portions of the Report that are appropriate for release under FOIA. As to the remaining 318 remanded CIA documents, the Government shall complete its processing of those documents by August 31, 2009, such that, on or before that date, the Government shall produce to the plaintiffs any portions of those 318 documents that are appropriate for release under FOIA. The parties' fourth and fifth motions for partial summary judgment shall be argued before the Court on August 20, 2009 at 3p.m. (Signed by Judge Alvin K. Hellerstein on 7/20/2009) (jfe) (Entered: 07/21/2009)
07/24/2009	<u>366</u>	FIFTH MOTION for Partial Summary Judgment <i>and Opposition to Defendants' Fifth Motion for Summary Judgment</i> . Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. Responses due by 8/7/2009 Return Date set for 8/20/2009 at 03:00 PM.(Jaffer, Jameel) (Entered: 07/24/2009)
07/24/2009	<u>367</u>	MEMORANDUM OF LAW in Support re: <u>366</u> FIFTH MOTION for Partial Summary Judgment <i>and Opposition to Defendants' Fifth Motion for Summary Judgment</i> .. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Jaffer, Jameel) (Entered: 07/24/2009)
07/30/2009	<u>368</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 7/28/2009 re: Counsel respectfully request an additional three days, until July 31, 2009, to submit the CIA's proposal with regard to the relevant paragraph 4 documents. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 7/29/2009) (jfe) (Entered: 07/30/2009)
07/30/2009	<u>369</u>	MEMORANDUM AND ORDER: Accordingly, I held an ex parte, in camera hearing in chambers on July 29, 2009. It was attended by Mr. Durham, Assistant United States Attorney Edward Kang, CIA Information Review Officer Wendy Hilton, and Federal Bureau of Investigation Inspector David Johnson. Mr. Durham described the scope of his criminal investigation into the destruction of the videotapes, reported that it is ongoing, and described the vast extent of his document reviews. I accept Mr. Durhams representations, and find that the material issues of Plaintiffs contempt motion are subsumed by his criminal investigation. I also accept his concern that hearings that I might conduct on the contempt motion would interfere with his investigation. However, identification and production of non-exempt documents from the more recent date range pursuant to my order of July 20, 2009, even if duplicating production to Mr. Durham under grand jury subpoenas, would not interfere. A Vaughn index with respect to exempt documents, and, if necessary, redaction of compromising Vaughn declarations, would completely protect Mr. Durham's grand jury investigation. Mr. Durham agreed and withdrew that aspect of his objection. At my invitation, Assistant United States Attorney Sean Lane appeared by telephone at the close of the hearing. I ordered the Government promptly to propose a schedule for identifying paragraph 4 documents, producing non-exempt documents, and submitting a Vaughn index for exempt documents, in compliance with my orders of April 20, 2009 and July 20, 2009, as amended by this current order. A redacted version of the transcript of the July 29, 2009 hearing will be made available to the public. An unredacted version of the transcript will be filed under seal. (Signed by Judge Alvin K. Hellerstein on 7/30/2009) (jfe) (Entered: 07/30/2009)
07/31/2009	<u>370</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Jameel Jaffer dated 7/31/09 re: Plaintiffs respectfully seek the Court's leave for Mr. Abdo to present argument on 8/20/09 on Plaintiffs' fifth motion for partial summary judgment. ENDORSEMENT: leave is granted. (Signed by Judge Alvin K. Hellerstein on 7/31/09) (tro) (Entered: 07/31/2009)
08/05/2009	375	TRANSCRIPT of proceedings held on 7/15/2009 before Judge Alvin K. Hellerstein. (dnd) (Entered: 08/13/2009)
08/10/2009	<u>371</u>	MANDATE of USCA (Certified Copy) as to <u>313</u> Notice of Appeal, filed by Veterans for Peace, Veterans for Common Sense, Physicians for Human Rights, American Civil Liberties Union, Center for Constitutional Rights, Inc. USCA Case Number 08-4912-cv. IT IS HEREBY ORDERED that

		the motion by Appellees' Department of Defenses and the CIA to remand the appeal is GRANTED. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 8/7/2009. (nd) (Entered: 08/10/2009)
08/10/2009		Transmission of USCA Mandate/Order to the District Judge re: <u>371</u> USCA Mandate., (nd) (Entered: 08/10/2009)
08/10/2009	<u>372</u>	SEALED DOCUMENT placed in vault.(jri) (Entered: 08/10/2009)
08/10/2009	<u>373</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 7/31/09 re: Request for work plan schedule to be approved. ENDORSEMENT: The schedule for submission of the work plans is approved, without objection. SO ORDERED. (Signed by Judge Paul A. Crotty, part I on 8/10/09) (db) (Entered: 08/12/2009)
08/12/2009	<u>374</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 8/7/09 re: Request for an extension of the reply brief of the fifth summary judgment motion and the 8/20/09 hearing date. ENDORSEMENT: The argument on the fourth and fifth motions for summary judgment is adjourned to October 1, 2009, at 3 pm. The Governments time to reply is extended to September 15, 2009. SO ORDERED. Set Deadlines/Hearing as to <u>321</u> FOURTH MOTION for Summary Judgment. <u>366</u> FIFTH MOTION for Partial Summary Judgment <i>and Opposition to Defendants' Fifth Motion for Summary Judgment</i> . <u>360</u> FIFTH MOTION for Summary Judgment. <u>347</u> FOURTH MOTION for Summary Judgment: (Motion Hearing set for 10/1/2009 at 03:00 PM before Judge Alvin K. Hellerstein. Replies due by 9/15/2009.) (Signed by Judge Paul A. Crotty, part I on 8/10/09) (db) Modified on 8/12/2009 (db). (Entered: 08/12/2009)
08/25/2009	<u>376</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean Lane, Peter Skinner, Heather K. McShain dated 8/14/09 re: counsel for the government requests leave to provide to the Court by 8/31/09 a work plan for completing the manual line-by-line review of the responsive records and until approximately 11/30/09 to determine which of the 32,000 documents are responsive. ENDORSEMENT: Having considered this proposal and the ACLU comments in its letter of 8/21/09, processing shall be governed by the schedule noted herein. Approved provided that the final work plan should be submitted by 10/30/09. (Signed by Judge Alvin K. Hellerstein on 8/25/09) (dle) (Entered: 08/25/2009)
08/31/2009	<u>377</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 8/28/09 re: defendants write respectfully to request a three-week extension of time, until September 21, 2009, to file the Vaughn declarations in support of the withholdings made by the Department of Justice, Office of Legal Counsel ("OLC") and Central Intelligence Agency ("CIA") relating to the 181 classified documents contained in the OLC Vaughn that comprise a portion of the documents remanded to this Court from the Second Circuit. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 8/31/09) (pl) (Entered: 08/31/2009)
09/02/2009	<u>378</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Peter M. Skinner dated 8/31/09 re: Given the sensitivity of the OIG records, the Agency estimates that it can complete the processing by 10/19/09. The Government proposes releasing any non-exempt information from the documents at issue on that date and producing a Vaughn declaration justifying any withheld information by 10/27/09.. ENDORSEMENT: So ordered. (Signed by Judge Alvin K. Hellerstein on 9/1/09) (sac) (Entered: 09/02/2009)
09/02/2009	<u>379</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Jameel Jaffer dated 9/1/09 re: Plaintiffs request an extension until 9/25/09 to confer with the government regarding any further proceedings related to the remanded documents. ENDORSEMENT: So ordered. (Signed by Judge Alvin K. Hellerstein on 9/1/09) (sac) (Entered: 09/02/2009)
09/11/2009	<u>380</u>	SCHEDULING ORDER:The oral argument regarding the Fourth and fifth Motions for summary Judgment, presently scheduled to take place on October 1, 2009 at 3 p.m., shall take place instead on September 30, 2009 at 3 p.m. before Judge Alvin K. Hellerstein. (Signed by Judge Alvin K. Hellerstein on 9/10/09) (dj) (Entered: 09/11/2009)
09/17/2009	<u>381</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 9/15/2009 re: Requesting a one week extension of time until September 22, 2009, to file the Government's reply brief on the parties' fifth motion for summary judgment. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 9/17/2009) (jpo) (Entered: 09/17/2009)
09/22/2009	<u>382</u>	MOTION for Amrit Singh to Withdraw as Attorney. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace.(Condon, Jennifer) (Entered: 09/22/2009)

09/22/2009	<u>383</u>	DECLARATION of Amrit Singh in Support re: <u>382</u> MOTION for Amrit Singh to Withdraw as Attorney.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Condon, Jennifer) (Entered: 09/22/2009)
09/22/2009	<u>384</u>	REPLY MEMORANDUM OF LAW in Support re: <u>360</u> FIFTH MOTION for Summary Judgment.. Document filed by Central Intelligence Agency. (Lane, Sean) (Entered: 09/22/2009)
09/22/2009	<u>385</u>	DECLARATION of Leon E. Panetta in Support re: <u>360</u> FIFTH MOTION for Summary Judgment.. Document filed by Central Intelligence Agency. (Lane, Sean) (Entered: 09/22/2009)
09/22/2009	<u>386</u>	DECLARATION of Wendy M. Hilton in Support re: <u>360</u> FIFTH MOTION for Summary Judgment.. Document filed by Central Intelligence Agency. (Lane, Sean) (Entered: 09/22/2009)
09/23/2009	<u>387</u>	MEMO ENDORSEMENT on re: <u>382</u> MOTION for Amrit Singh to Withdraw as Attorney. SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 9/23/09) (dj) (Entered: 09/23/2009)
09/29/2009	<u>388</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Jamee Jaffer dated 9/25/2009 re: On September 1, 2009, Plaintiffs requested an extension until September 25, 2009 to confer with the government regarding any further proceedings related to the documents remanded to this Court for consideration by the Second Circuit, and to then notify the Court of how the parties proposed to address any additional challenges to the withholding or redaction of those documents. Plaintiffs request an extension until four weeks after the government furnishes Vaughn declarations and/or indices for the additional documents. ENDORSEMENT: SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 9/29/2009) (jmi) (Entered: 09/29/2009)
10/13/2009	<u>389</u>	ORDER RESOLVING FOURTH AND FIFTH SUMMARY JUDGMENT MOTIONS: I ruled that the CIA failed to satisfy its burden in three instances. The Agency has until October 14, 2009 to present a more persuasive justification to trigger an exemption from FOIA's disclosure requirements. The Clerk shall mark the motions (Doc. Nos. 321, 347, 360, and 366) terminated. ORDER terminating <u>321</u> Motion for Summary Judgment; terminating <u>347</u> Motion for Summary Judgment; terminating <u>360</u> Motion for Summary Judgment; terminating <u>366</u> Motion for Partial Summary Judgment. (Signed by Judge Alvin K. Hellerstein on 10/13/09) (db) (Entered: 10/13/2009)
10/16/2009	<u>392</u>	TRANSCRIPT of proceedings held on September 30, 2009 at 4:30 pm before Judge Alvin K. Hellerstein. (rdz) (Entered: 11/06/2009)
10/27/2009	<u>390</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Heather K. McShain dated 10/27/2009 re: Requesting a twenty four day extension, until November 20, 2009, to provide to plaintiffs the Central Intelligence Agency's Vaughn declaration for information withheld from responsive paragraph 4 documents located within the CIA Office of Inspector General. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 10/27/2009) (jpo) (Entered: 10/27/2009)
10/29/2009	<u>391</u>	NOTICE OF APPEARANCE by Alexander Abraham Abdo on behalf of American Civil Liberties Union (Abdo, Alexander) (Entered: 10/29/2009)
11/16/2009	<u>393</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Jennifer Condon dated 11/13/09 re: Request to extend time to file any motion for reconsideration. ENDORSEMENT: Time is extended to 1/15/10. (Motions due by 1/15/2010.) (Signed by Judge Alvin K. Hellerstein on 11/16/09) (cd) (Entered: 11/16/2009)
11/17/2009	<u>394</u>	ORDER REGULATING PROCEEDINGS: By Tuesday, 11/24/09, the Government shall show why it is not required to submit a Vaughn index for the four documents at issue. Plaintiffs may reply by Tuesday, 12/1/09. (Signed by Judge Alvin K. Hellerstein on 11/17/09) (tro) (Entered: 11/18/2009)
11/24/2009	<u>395</u>	DECLARATION of John Durham in Support re: <u>360</u> FIFTH MOTION for Summary Judgment.. Document filed by Department Of Justice. (McShain, Heather) (Entered: 11/24/2009)
12/22/2009	<u>396</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Alexander Abdo dated 12/18/09 re: Plaintiffs request until 1/22/09 (one week after any motion for reconsideration is due) to submit their proposal. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 12/22/09) (cd) (Entered: 12/22/2009)
12/28/2009	<u>397</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean Lane, Peter Skinner, Heather K. McShain dated 12/23/09 re: counsel for the government requests additional time to complete its consultation with Congress regarding the information in the paragraph 4 documents and the government proposes that it provide an update to the Court regarding the status of these documents no later than 1/15/10. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K.

		Hellerstein on 12/28/09) (dle) (Entered: 12/28/2009)
12/29/2009	<u>398</u>	ORDER RESOLVING FOURTH AND FIFTH SUMMARY JUDGMENT MOTIONS: 1. With respect to the Withheld Information in the Second and Fourth OLC Memoranda, the Court does not defer to the Governments determination that this information should be withheld under Exemptions 1 and 3, and finds that the Withheld Information should be released for the reasons set forth. The Withheld Information should be released as follows: on page 5 (redaction on line 10 of first paragraph) and page 29 (redaction on line 8 of first full paragraph) of the Second OLC Memoranda and on page 4 (first full paragraph), page 5 (first sentence of the bottom paragraph) and page 7 (redaction made to lines 4–5 of second paragraph under the heading 2.) of the Fourth OLC Memoranda. In order to address the Governments national security concerns, however, the Court orders that specific words be inserted in brackets to replace the actual text of the documents in certain limited instances, with the inserted words used to preserve the meaning of the text. The Courts complete ruling on the Withheld Information is reflected in the transcripts of the in camera session that occurred on October 29, 2009, including the sealed exhibits to the transcript that consist of the two relevant OLC memoranda that were annotated during the session to reflect the Courts ruling. If the Government does not wish to insert in brackets the text set forth by the Court, the Government in the alternative must release the corresponding actual text in those specific parts of the documents. 2. With respect to documents 54, 56, 59a, and 60, to the extent the CIA has identified releasable information within these four documents, the Court defers to Special Prosecutor Durhams invocation of FOIA Exemption 7(A) to withhold the release of any information contained within the four documents while his investigation is pending. As to Ms. Durhams invocation of Exemption 7(A), and any other such 7(A) invocations, the Court further orders that Mr. Durham must renew his assertion, as appropriate, of Exemption 7(A) every six months and that, in any event, Mr. Durham should promptly advise the Court of any events that subsequently render his assertion of Exemption 7(A) inapplicable to the documents in question. 3. With respect to the Government's proposed redactions to the transcript of the in camera session that occurred on September 30, 2009, the Court defers to the Government's redactions except orders the release of additional information relating to the Withheld Information, that is the subject of the Court's ruling in paragraph 1 above, as follows: page 7, lines 1,4–7, 18–21; page 10, lines 6–12; page 11, lines 7–9, 15–16; page 12, lines 7–10, 19–20; page 18, line 9; page 20, lines 21–25; page 21, lines 1–5, 16–21; page 22, line 1; and, page 26, lines 24–25.4. The Government is granted a stay for 30 days to permit it time to determine whether it will appeal the Court's disclosure rulings set forth in numbered paragraphs 1 and 3 above. (Signed by Judge Alvin K. Hellerstein on 12/29/09) (db) (Entered: 12/29/2009)
01/15/2010	<u>399</u>	MOTION for Reconsideration re; <u>398</u> Order,,,,,,,,,,,,. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace.(Condon, Jennifer) (Entered: 01/15/2010)
01/15/2010	<u>400</u>	MEMORANDUM OF LAW in Support re: <u>399</u> MOTION for Reconsideration re; <u>398</u> Order,,,,,,,,,,,,. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Condon, Jennifer) (Entered: 01/15/2010)
01/20/2010	<u>401</u>	ENDORSED LETTER: addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 1/15/2010. re: Accordingly, the Government will inform plaintiffs and the Court by February 16, 2010, of the ultimate decision regarding whether information can be released from these three documents, Of Course, to the extent that a decision is made earlier as to these documents, we will inform the Court and the plaintiffs as soon as that decision has been made. ENDORSEMENT: Accepted. So Ordered (Signed by Judge Alvin K. Hellerstein on 1/20/2010) (js) (Entered: 01/20/2010)
01/26/2010	<u>402</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Alexander A. Abdo dated 1/22/10 re: Request for an extension of 3 weeks after the Court's resolution of the Motion for Reconsideration to propose how to proceed with respect to the remanded and newly discovered documents. ENDORSEMENT: The parties should raise this issue at oral argument on plaintiff's motion for reconsideration scheduled for March 11, 2010 at 2:30 pm. (Oral Argument set for 3/11/2010 at 02:30 PM before Judge Alvin K. Hellerstein.) (Signed by Judge Alvin K. Hellerstein on 1/26/10) (db) (Entered: 01/26/2010)
01/26/2010	<u>403</u>	ORDER Granting <u>399</u> Motion for Reconsideration. The Government's opposition will be due 2/18/10; Plaintiffs' reply, by 3/1/10. I will hear argument in courtroom 14D, on the public record, on 3/11/10 at 2:30 pm.. (Signed by Judge Alvin K. Hellerstein on 1/26/10) (cd) (Entered: 01/27/2010)
01/26/2010		Set/Reset Deadlines as to Response due by 2/18/2010 Reply due by 3/1/2010. Motion Hearing set for 3/11/2010 at 02:30 PM before Judge Alvin K. Hellerstein. (cd) (Entered: 01/27/2010)

01/29/2010	<u>404</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 1/28/2010 re: Counsel respectfully request a two-week extension of time until 2/12/2010 of the stay of the Government's obligation to comply with paragraphs 1 and 3 of this Court's order dated 12/29/2010. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 1/28/2010) (jfe) (Entered: 01/29/2010)
02/11/2010	<u>405</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Alexander A. Abdo dated 2/11/2010 re: The government has informed Plaintiffs' counsel that the Court would like to reschedule oral argument on Plaintiffs' Motion for Reconsideration to either March 8, 2010 or 3/24/2010, and that the Court would like the specific availabilities of counsel to be submitted to the Court. If the Court sets the hearing for 3/24/2010, Plaintiffs' counsel respectfully notes a preference for the hearing to begin at 10:00 a.m., if possible. ENDORSEMENT: Arguments will be held March 24th, 2010, at 10:30 a.m. (Signed by Judge Alvin K. Hellerstein on 2/11/2010) (tro) (Entered: 02/16/2010)
02/17/2010	<u>406</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 2/16/2010 re: Counsel write to provide the Court and the plaintiffs with a status report regarding the remaining three documents being processed by the CIA in this case. Accordingly, the Government requires an additional week, until 2/23/2010, to determine its position regarding these remaining documents. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 2/16/2010) (tro) (Entered: 02/17/2010)
02/17/2010	<u>407</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 2/12/10 re: counsel requests that the Court stay the Government's obligation to comply with paragraphs 1 and 3 of this Court's order, dated December 29, 2010 requiring the Government to disclose certain information withheld from two memoranda of the Department of Justice Office of Legal Counsel until some time after the Court decides the pending motion for reconsideration filed by the plaintiffs. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 2/17/10) (djf) (Entered: 02/17/2010)
02/18/2010	408	TRANSCRIPT of proceedings held on October 29, 2009 before Judge Alvin K. Hellerstein. (mro) (Entered: 02/18/2010)
02/18/2010	<u>409</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane, Tara LaMorte and Amy Barcelo dated 2/18/2010 re: AUSA writes requesting an extension of time of 8 days, until 2/26/2010, to file the Government's opposition to plaintiffs' motion for reconsideration. The parties agree that, if the Court grants this request, then the due date for plaintiff's reply memorandum should be rescheduled to 3/12/2010. ENDORSEMENT: So ordered. (Signed by Judge Alvin K. Hellerstein on 2/18/2010) (tve) (Entered: 02/19/2010)
02/24/2010	<u>410</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 2/23/10 re: counsel requests a three-day extension of time, from February 23, 2010 to February 26, 2010 to provide the Court and the plaintiffs with a status report regarding the remaining three documents being processed by the CIA in this case. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 2/23/10) (djf) (Entered: 02/24/2010)
03/01/2010	<u>411</u>	DECLARATION of Sean Lane in Opposition re: <u>399</u> MOTION for Reconsideration re: <u>398</u> Order,,,,,,,,,,,, Document filed by Department Of Justice, Central Intelligence Agency. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(La Morte, Tara) (Entered: 03/01/2010)
03/01/2010	<u>412</u>	MEMORANDUM OF LAW in Opposition re: <u>399</u> MOTION for Reconsideration re: <u>398</u> Order,,,,,,,,,,,, Document filed by Department Of Justice, Central Intelligence Agency. (Barcelo, Amy) (Entered: 03/01/2010)
03/02/2010	<u>413</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 3/1/10 re: Request for an extension of time until 3/5/10 to provide the Court and plaintiffs with a status report. ENDORSEMENT: So Ordered. (Status Report due by 3/5/2010.) (Signed by Judge Alvin K. Hellerstein on 3/2/10) (db) (Entered: 03/02/2010)
03/03/2010	<u>414</u>	LETTER: addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 3/1/2010 Document filed by Central Intelligence Agency, Department of the Army, Federal Bureau Of Investigation. We write respectfully to inform the Court that we have filed today with Court Security Officer Michael Macisso a classified declaration from Wendy Hilton, CIA Associate information review Officer for the Central Intelligence Agency ("CIA") dated March 1, 2010 which describes new factual developments that took place this calendar year that are relevant to the CIA's basis for withholding the classified intelligence method contained in two memoranda of the Department of Justice Office of Legal Counsel This information was the subject of the parties' fourth motion for summary Judgment. Ms. Hilton's declaration provides a factual update to the declarations previously

		submitted by herself and Assistant to the President for. National Security and National Security Advisor James L. Jones in support of the Government's withholding. In light of these new factual developments, we write to request that, pursuant to Federal Rule of Civil Procedure 54(b), the Court consider this additional evidence. ENDORSEMENT: The Court shall enter this letter on the docket. So Ordered(js) (Entered: 03/03/2010)
03/12/2010	<u>415</u>	REPLY MEMORANDUM OF LAW in Support re: <u>399</u> MOTION for Reconsideration re; <u>398</u> Order,,,,,,,,,,,, Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Condon, Jennifer) (Entered: 03/12/2010)
04/14/2010	416	TRANSCRIPT of proceedings held on March 24, 2010 at 3:00 pm before Judge Alvin K. Hellerstein. (eef) (Entered: 04/16/2010)
04/14/2010	417	TRANSCRIPT of proceedings held on March 24, 2010 3:00 p.m. before Judge Alvin K. Hellerstein. (ajc) (Entered: 04/21/2010)
05/12/2010	<u>418</u>	DECLARATION of Wendy M. Hilton in Support re: <u>347</u> FOURTH MOTION for Summary Judgment.. Document filed by Department Of Justice, Central Intelligence Agency. (Barcelo, Amy) (Entered: 05/12/2010)
07/07/2010	<u>419</u>	MANDATE of USCA (Certified Copy) as to <u>197</u> Notice of Appeal filed by Department of Defense, Department of the Army USCA Case Number 06-3140-cv. Having received and considered the parties' responses to our order of February 16, 2010, we hereby ORDER: in accord with the mandate received from the United States Supreme Court in ACLU v. Department of Defense, No. 09-160, docketed in this Court on January 13, 2010, vacating our decision ACLU v. Department of Defense, we vacate judgment of the US District Court for the Southern District of New York and remand for further proceedings "in light of Section 565 of the Department of Homeland Security Appropriations Act, 2010, and the certification by the Security of Defense pursuant to that provision." Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 07/06/2010. (nd) (Entered: 07/07/2010)
07/07/2010		Transmission of USCA Mandate/Order to the District Judge re: <u>419</u> USCA Mandate,,, (nd) (Entered: 07/07/2010)
07/15/2010	<u>420</u>	ORDER AND OPINION DENYING PLAINTIFFS' MOTION FOR RECONSIDERATION: FOIA EXEMPTION THREE APPLIES DESPITE CLAIMS THAT UNDERLYING INTELLIGENCE SOURCES OR METHODS VIOLATE THE CONSTITUTION OR STATUTES OF THE UNITED STATES: #99213 For the reasons stated, I adhere to the rulings expressed in my previous orders resolving the fourth and fifth cross-motions for summary judgment. The Clerk shall mark the motion (Doc. No. 399) terminated. (Signed by Judge Alvin K. Hellerstein on 7/15/2010) (jfe) Modified on 7/26/2010 (ajc). (Entered: 07/15/2010)
08/12/2010	<u>421</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Sean H. Lane dated 8/10/2010 re: Requesting a stay through September 13, 2010, of the Government's obligation to disclose an intelligence method contained in two memoranda from the Department of Justice Office of Legal Counsel. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 8/12/2010) (jpo) (Entered: 08/12/2010)
09/03/2010	<u>422</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Amy A. Barcelo dated 8/31/2010 re: requests an additional two-week stay of its disclosure obligation through 9/27/2010, to permit the Government sufficient time to reach a decision regarding whether to appeal the disclosure order. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 9/3/2010) (jar) (Entered: 09/03/2010)
09/03/2010	<u>423</u>	NOTICE OF APPEARANCE by Tara Marie La Morte on behalf of Central Intelligence Agency, Department Of Homeland Security, Department Of Justice, Department of Defense, Department of State, Department of the Army, Federal Bureau Of Investigation (La Morte, Tara) (Entered: 09/03/2010)
09/03/2010	<u>424</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Amy A. Barcelo dated 8/31/2010 re: request an additional two-week stay of its disclosure obligation through 9/27/2010, to permit the Government sufficient time to reach a decision regarding whether to appeal the disclosure order. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 9/3/2010) (jar) (Entered: 09/16/2010)
09/24/2010	<u>425</u>	JOINT MOTION for Entry of Judgment under Rule 54(b). Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Attachments: # <u>1</u> Joint Motion for Entry of Final Judgment, #

		<u>2</u> Text of Proposed Order)(Abdo, Alexander) (Entered: 09/24/2010)
09/27/2010	<u>426</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Tara M. La Morte dated 9/24/2010 re: Counsel respectfully request a stay of the Government's disclosure obligation pending the Court's consideration of the Motion, and for 21 days after the Court's ruling on the Joint Rule 54(b) in the event that the Court denies such motion. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 9/27/2010) (jfe) (Entered: 09/27/2010)
10/01/2010	<u>427</u>	FINAL JUDGMENT pursuant to Fed. R. Civ. P. 54(b) granting in part and denying in part the parties fourth cross-motions for partial summary judgment, denying plaintiffs' fifth motion for partial summary judgment, and granting the government's fifth motion for partial summary judgment. (Signed by Judge Alvin K. Hellerstein on 10/1/10) (Attachments: # <u>1</u> notice of right to appeal)(ml) (Entered: 10/04/2010)
10/08/2010	<u>428</u>	NOTICE OF APPEARANCE by Amy Ann Barcelo on behalf of Central Intelligence Agency, Department Of Homeland Security, Department Of Justice, Department of Defense, Department of State, Department of the Army, Federal Bureau Of Investigation (Barcelo, Amy) (Entered: 10/08/2010)
10/15/2010	<u>429</u>	ORDER REGULATING PROCEDURES RAISED IN JOINT LETTER OF OCTOBER 6, 2010: The appeal described in § 1 of the joint letter should be filed timely pursuant to FRAP 4. The stipulation described in § 2 of the joint letter should be filed by October 22, 2010. I am willing to defer consideration of open items regarding "Paragraph 4 documents" until the appeals are determined, or sooner notice from either party requesting earlier determination. I favor litigating the issues arising from the September 17, 2001 presidential directive currently. The parties should tender a briefing schedule by October 22, 2010. Plaintiffs should describe why they believe the Secretary's certification regarding the withheld photographs is deficient by October 28, 2010. I shall advise defendants if opposition is necessary. (Signed by Judge Alvin K. Hellerstein on 10/8/2010) (jpo) (Entered: 10/15/2010)
10/21/2010	<u>431</u>	NOTICE OF APPEAL from <u>427</u> Judgment. Document filed by Central Intelligence Agency, Department Of Justice. (tp) (Entered: 10/22/2010)
10/21/2010		Appeal Remark as to <u>431</u> Notice of Appeal filed by Department Of Justice, Central Intelligence Agency. NO FEE. USA. (tp) (Entered: 10/22/2010)
10/22/2010	<u>430</u>	ORDER that litigation of the 9/17/01 presidential directive is stayed pending resolution of the parties' appeals of the 10/1/10 order. (Signed by Judge Alvin K. Hellerstein on 10/21/10) (cd) (Entered: 10/22/2010)
10/22/2010		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>431</u> Notice of Appeal. (tp) (Entered: 10/22/2010)
10/22/2010		Transmission of Notice of Appeal to the District Judge re: <u>431</u> Notice of Appeal. (tp) (Entered: 10/22/2010)
10/22/2010		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>38</u> MOTION to Stay <i>the Court's September 15, 2004 Order</i> . filed by Central Intelligence Agency, <u>284</u> Endorsed Letter, <u>57</u> Order on Motion to Stay, <u>313</u> Notice of Appeal, filed by Veterans for Peace, Veterans for Common Sense, Physicians for Human Rights, American Civil Liberties Union, Center for Constitutional Rights, Inc., <u>345</u> Endorsed Letter, Set Motion and RRDeadlines/Hearings,, <u>301</u> Endorsed Letter, <u>379</u> Endorsed Letter, <u>327</u> Endorsed Letter, Set Motion and RRDeadlines/Hearings,, <u>114</u> Memorandum of Law in Support filed by Department of Defense, <u>385</u> Declaration in Support of Motion filed by Central Intelligence Agency, <u>186</u> Declaration filed by Department of Defense, Department of the Army, <u>246</u> Affidavit in Support, filed by American Civil Liberties Union, <u>107</u> Order, Set Deadlines,, <u>424</u> Endorsed Letter, <u>140</u> Endorsed Letter, <u>383</u> Declaration in Support of Motion, filed by Veterans for Peace, Veterans for Common Sense, Physicians for Human Rights, American Civil Liberties Union, Center for Constitutional Rights, Inc., <u>58</u> Order, Set Motion and RRDeadlines/Hearings, <u>172</u> Order, <u>359</u> Endorsed Letter, Set Deadlines,, <u>336</u> Order,, <u>262</u> Declaration in Support of Motion, filed by Department of Defense, Department Of Justice, Central Intelligence Agency, <u>252</u> Endorsed Letter, Set Motion and RRDeadlines/Hearings,, <u>5</u> Amended Complaint, filed by Veterans for Peace, Veterans for Common Sense, Physicians for Human Rights, American Civil Liberties Union, Center for Constitutional Rights, Inc., <u>152</u> Memorandum of Law in Support of Motion filed by Central Intelligence Agency, <u>163</u> Order, <u>34</u> Certificate of Service Other filed by Department Of Justice, <u>292</u> Order,, <u>86</u> Order,, <u>13</u> Stipulation and Order, <u>274</u> Brief filed by American Civil Liberties Union, <u>70</u> Endorsed Letter, <u>126</u> Order,, <u>44</u> Order,, <u>409</u> Endorsed Letter, Set Motion and RRDeadlines/Hearings,, <u>365</u> Order,

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10/22/2010	<u>432</u>	<p>CONSENT MOTION for Extension of Time. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Attachments: # <u>1</u> Text of Proposed Order)(Abdo, Alexander) (Entered: 10/22/2010)</p>
10/26/2010	<u>433</u>	<p>ORDER AND JOINT STIPULATION: It is hereby Stipulated and agreed that Defendants have withheld the "paragraph 4" records on the basis of FOIA Exemptions 1 and 3, among others. The legal issues raised by Defendants' invocation of Exemptions 1 and 3 overlap with the legal issues resolved by the Court in its judgment of October 1, 2010 (dkt. no. 427), and the underlying orders incorporated therein. The Court has certified its judgment of October 1, 2010 as final and appealable pursuant to Federal Rule of Civil Procedure 54(b). Defendants have filed a Notice of Appeal from that judgment, and Plaintiffs intend to appeal from that judgment. The parties agree that the ultimate disposition on appeal of the legal issues addressed by the Court's judgment of October 1, 2010 will conclusively determine those same legal issues as are presented by Defendants' withholding of the "paragraph 4" records. Depending on the resolution of the appeal, Plaintiffs may have additional challenges to Defendants' withholding of the "paragraph 4" records. Litigation of the "paragraph 4" records is stayed pending resolution of the appeal of the Court's judgment of October 1, 2010. With respect to the "remand" documents, which are described in the parties' joint letter of October 6, 2010, the parties hereby stipulate that: Defendants have withheld the "remand" documents on the basis of FOIA Exemptions 1 and 3, among others. The legal issues raised by Defendants' invocation of Exemptions 1 and 3 overlap with the legal issues resolved by the Court in its judgment of October 1, 2010 (dkt. no. 427), and the underlying orders incorporated therein. The Court has certified its judgment of October 1, 2010 as final and appealable pursuant to Federal Rule of Civil Procedure 54(b). Defendants have filed a Notice of Appeal from that judgment, and Plaintiffs intend to appeal from that judgment. The parties agree that the ultimate disposition on appeal of the legal issues addressed by the Court's judgment of October 1, 2010 will conclusively determine those same legal issues as are presented by Defendants' withholding of the "remand" documents. With respect to all but two of the "remand" documents—the presidential directive September 17, 2001, and the Special Review of the CIA's Office of the Inspector General—Plaintiffs have no additional challenges to assert beyond those at issue in the upcoming appeal. Accordingly, the parties agree that the Court should reinstate the pre-remand disposition of those documents as to all withholdings except those described in paragraphs 4 and 5 above. Litigation of the "remand" documents, including the documents described in footnote 1 below, is stayed pending resolution of the appeal of the Court's judgment of October 1, 2010. (Signed by Judge Alvin K. Hellerstein on 10/26/2010) (jfe) (Entered: 10/26/2010)</p>

		10/26/2010)
10/28/2010	<u>434</u>	First Supplemental ROA Sent to USCA (Index). Notice that the Supplemental Index to the record on Appeal for <u>431</u> Notice of Appeal filed by Department Of Justice, Central Intelligence Agency USCA Case Number 10-4290, 3 Copies of the index, Certified Supplemental Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp) (Additional attachment(s) added on 10/29/2010: # <u>1</u> Part 2) (nd). (Entered: 10/28/2010)
10/29/2010	<u>435</u>	ORDER EXTENDING TIME plaintiffs' 10/22/10 motion for an extension of time is granted. Plaintiffs shall describe why they believe the Secretary's certification regarding the withheld photographs is deficient on or before 11/30/10. (Signed by Judge Alvin K. Hellerstein on 10/28/10) (cd) (Entered: 11/01/2010)
11/01/2010	<u>436</u>	MOTION for Jennifer Brooke Condon to Withdraw as Attorney. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace.(Lustberg, Lawrence) (Entered: 11/01/2010)
11/01/2010	<u>437</u>	AFFIDAVIT of Jennifer B. Condon in Support re: <u>436</u> MOTION for Jennifer Brooke Condon to Withdraw as Attorney.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Lustberg, Lawrence) (Entered: 11/01/2010)
11/02/2010	<u>438</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Alicia L. Bannon dated 11/1/10 re: Counsel for plaintiffs have enclosed a courtesy copy of Plaintiffs' motion to withdraw Jenny-Brooke Condon as counsel in this case, as well as Ms. Condon's accompanying affidavit. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 11/2/10) (mro) (Entered: 11/02/2010)
11/12/2010	<u>439</u>	NOTICE OF APPEAL from <u>427</u> Judgment. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. Filing fee \$ 455.00, receipt number E 921286. (nd) (Entered: 11/15/2010)
11/15/2010		Transmission of Notice of Appeal to the District Judge re: <u>439</u> Notice of Appeal,. (nd) (Entered: 11/15/2010)
11/15/2010		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>439</u> Notice of Appeal,. (nd) (Entered: 11/15/2010)
11/15/2010		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>433</u> Stipulation and Order, Set Deadlines/Hearings, <u>435</u> Order, Set Deadlines/Hearings,, <u>432</u> CONSENT MOTION for Extension of Time. filed by Veterans for Peace, Veterans for Common Sense, Physicians for Human Rights, American Civil Liberties Union, Center for Constitutional Rights, Inc., <u>439</u> Notice of Appeal, filed by Veterans for Peace, Veterans for Common Sense, Physicians for Human Rights, American Civil Liberties Union, Center for Constitutional Rights, Inc., <u>437</u> Affidavit in Support of Motion, filed by Veterans for Peace, Veterans for Common Sense, Physicians for Human Rights, American Civil Liberties Union, Center for Constitutional Rights, Inc., <u>436</u> MOTION for Jennifer Brooke Condon to Withdraw as Attorney. filed by Veterans for Peace, Veterans for Common Sense, Physicians for Human Rights, American Civil Liberties Union, Center for Constitutional Rights, Inc., <u>438</u> Endorsed Letter, <u>434</u> Supplemental ROA Sent to USCA - Index, <u>38</u> MOTION to Stay the Court's September 15, 2004 Order. filed by Central Intelligence Agency, <u>284</u> Endorsed Letter, <u>57</u> Order on Motion to Stay, <u>313</u> Notice of Appeal, filed by Veterans for Peace, Veterans for Common Sense, Physicians for Human Rights, American Civil Liberties Union, Center for Constitutional Rights, Inc., <u>345</u> Endorsed Letter, Set Motion and RRDeadlines/Hearings,, <u>301</u> Endorsed Letter, <u>379</u> Endorsed Letter, <u>327</u> Endorsed Letter, Set Motion and RRDeadlines/Hearings,, <u>114</u> Memorandum of Law in Support filed by Department of Defense, <u>385</u> Declaration in Support of Motion filed by Central Intelligence Agency, <u>186</u> Declaration filed by Department of Defense, Department of the Army, <u>246</u> Affidavit in Support, filed by American Civil Liberties Union, <u>107</u> Order, Set Deadlines,,,, <u>424</u> Endorsed Letter, <u>140</u> Endorsed Letter, <u>383</u> Declaration in Support of Motion, filed by Veterans for Peace, Veterans for Common Sense, Physicians for Human Rights, American Civil Liberties Union, Center for Constitutional Rights, Inc., <u>58</u> Order, Set Motion and RRDeadlines/Hearings, <u>172</u> Order, <u>359</u> Endorsed Letter, Set Deadlines,, <u>336</u> Order,, <u>262</u> Declaration in Support of Motion, filed by Department of Defense, Department Of Justice, Central Intelligence Agency, <u>252</u> Endorsed Letter, Set Motion and RRDeadlines/Hearings,, <u>5</u> Amended Complaint, filed by Veterans for Peace, Veterans for Common Sense, Physicians for Human Rights, American Civil Liberties Union, Center for Constitutional Rights, Inc., <u>152</u> Memorandum of Law in Support of Motion filed by Central Intelligence Agency, <u>163</u> Order, <u>34</u> Certificate of Service Other filed by Department Of Justice, <u>292</u> Order,,,, <u>86</u> Order,,

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11/22/2010	<u>440</u>	NOTICE OF APPEARANCE by Alicia Lorraine Bannon on behalf of American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace (Bannon, Alicia) (Entered: 11/22/2010)
11/30/2010	<u>441</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Alexander A. Abdo dated 11/24/10 re: counsel for plaintiff writes that on October 15, 2010, the Court issued an order requiring Plaintiffs to "describe why they believe the Secretary's certification regarding the withheld photographs is deficient by October 28, 2010. The Court later extended that deadline to November 30, 2010 to accommodate Plaintiffs' counsel's schedule and to allow the parties to continue discussing a potential compromise of the dispute surrounding the withheld photographs. Since that time, the parties have negotiated in good faith and have made progress toward a potential resolution. Plaintiffs respectfully request a second extension of their filing deadline, to December 17, 2010, to allow for continued discussions. The government consents to this request. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 11/29/10) (pl) (Entered: 11/30/2010)
12/03/2010	<u>442</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Alexander A. Abdo dated 11/24/10 re: Request for a second extension of the filing deadline to December 17, 2010 to allow for continued discussions. The government consents to this request. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 12/2/10) (db) (Entered: 12/03/2010)
12/17/2010	<u>443</u>	SIXTH MOTION for Partial Summary Judgment. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace.(Abdo, Alexander) (Entered: 12/17/2010)
12/17/2010	<u>444</u>	MEMORANDUM OF LAW in Support re: <u>443</u> SIXTH MOTION for Partial Summary Judgment.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Attachments: # <u>1</u> Exhibit A)(Abdo, Alexander) (Entered: 12/17/2010)
12/21/2010	<u>445</u>	ORDER SCHEDULING STATUS CONFERENCE, that the parties shall appear before me for a status conference on Wednesday, January 5, at 4:00 p.m. on the pending motions, with a view toward hearing and resolving, or dismissing, the pending motions. (Signed by Judge Alvin K. Hellerstein on 12/21/10) (pl) (Entered: 12/21/2010)

01/14/2011		Minute Entry for proceedings held before Judge Alvin K. Hellerstein: Status Conference held on 1/14/2011 on the record. (mro) (Entered: 01/21/2011)
01/20/2011	<u>446</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Alexander A. Abdo dated 1/19/2011 re: Requesting that Plaintiffs initiating brief be due 2/4/11, Defendant Central Intelligence Agency response due on 2/25/11 and Plaintiffs reply due on 3/4/11. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 1/20/2011) (jpo) (Entered: 01/20/2011)
01/31/2011	<u>447</u>	TRANSCRIPT of proceedings held on 1/14/2011 before Judge Alvin K. Hellerstein. (ja) (Entered: 02/02/2011)
02/02/2011	<u>448</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Alicia L. Bannon, dated 2/2/2011, re: Counsel for Plaintiffs writes: In order so that we may provide the Court with the most helpful briefing possible, and because our schedules have become complicated by commitments in other cases, Plaintiffs respectfully request a short 11-day extension of time within which to file their initiating brief, making that brief due on February 15, 2011. The government has graciously consented to Plaintiffs' request for an 11-day extension of time, and to the following modified briefing schedule: Plaintiffs' initiating brief will be due February 15, 2011; Defendant Central Intelligence Agency's response will be due March 8, 2011; and Plaintiffs' reply will be due March 15, 2011. This is Plaintiffs' first request for an extension of time in connection with this motion. ENDORSEMENT: So Ordered. Set Deadlines/Hearing as to <u>254</u> MOTION for Contempt and Sanctions: Responses due by 3/8/2011. Replies due by 3/15/2011. (Signed by Judge Alvin K. Hellerstein on 2/2/2011) (lnl) (Entered: 02/03/2011)
02/15/2011	<u>449</u>	SUPPLEMENTAL MEMORANDUM OF LAW in Support re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Bannon, Alicia) (Entered: 02/15/2011)
02/15/2011	<u>450</u>	DECLARATION of Alicia L. Bannon in Support re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2 (Part 1 of 2), # <u>3</u> Exhibit 2 (Part 2 of 2), # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit 16, # <u>18</u> Exhibit 17, # <u>19</u> Exhibit 18, # <u>20</u> Exhibit 19, # <u>21</u> Exhibit 20, # <u>22</u> Exhibit 21, # <u>23</u> Exhibit 22, # <u>24</u> Exhibit 23, # <u>25</u> Exhibit 24, # <u>26</u> Exhibit 25, # <u>27</u> Exhibit 26, # <u>28</u> Exhibit 27, # <u>29</u> Exhibit 28, # <u>30</u> Exhibit 29, # <u>31</u> Exhibit 30, # <u>32</u> Exhibit 31, # <u>33</u> Exhibit 32, # <u>34</u> Exhibit 33, # <u>35</u> Exhibit 34, # <u>36</u> Exhibit 35, # <u>37</u> Exhibit 36, # <u>38</u> Exhibit 37, # <u>39</u> Exhibit 38, # <u>40</u> Exhibit 39, # <u>41</u> Exhibit 40, # <u>42</u> Exhibit 41, # <u>43</u> Exhibit 42, # <u>44</u> Exhibit 43, # <u>45</u> Exhibit 44, # <u>46</u> Exhibit 45, # <u>47</u> Exhibit 46, # <u>48</u> Exhibit 47, # <u>49</u> Exhibit 48, # <u>50</u> Exhibit 49, # <u>51</u> Exhibit 50, # <u>52</u> Exhibit 51, # <u>53</u> Exhibit 52)(Bannon, Alicia) (Entered: 02/15/2011)
02/25/2011	<u>451</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Amy Barcelo dated 2/24/11 re: Briefing schedule for cross motions for summary judgment as follows. ENDORSEMENT: So Ordered. Cross Motion by government due by 4/1/2011. Response to plaintiffs' sixth motion due by 4/1/2011. Reply to plaintiff's motion and response to government's cross motion due by 4/29/2011. Government reply to its cross motion due by 5/13/11. (Signed by Judge Alvin K. Hellerstein on 2/25/11) (cd) (Entered: 02/25/2011)
03/04/2011	<u>452</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Tara LaMorte dated 3/3/11 re: Counsel requests an extension of time of approximately six weeks until April 18, 2011, to file the Government's response to plaintiffs' supplemental memorandum of law in support of their motion for contempt and sanctions. ENDORSEMENT: Motion granted, but no further extensions will be granted. Time to oppose is enlarged to 4/18/11, time to reply is enlarged to May 4, 2011. (Signed by Judge Alvin K. Hellerstein on 3/3/11) (dj) Modified on 3/11/2011 (dj). (Entered: 03/04/2011)
03/04/2011		Set Deadlines/Hearings: Replies due by 5/4/2011. Responses due by 4/18/2011 (dj) (Entered: 03/04/2011)
03/11/2011	<u>453</u>	MEMO ENDORSEMENT ON NOTICE OF MOTION. ENDORSEMENT: Motion denied. The outlook and experience of petitioner, as a professional engineer employed by the Dep't of Energy, does not suggest the likelihood of useful assistance with regard to the pending motion. (Signed by Judge Alvin K. Hellerstein on 3/11/2011) (lnl) (Entered: 03/11/2011)
04/01/2011	<u>456</u>	SIXTH MOTION for Partial Summary Judgment. Document filed by Department of Defense, Department of the Army.(Barcelo, Amy) (Entered: 04/01/2011)

04/01/2011	<u>457</u>	MEMORANDUM OF LAW in Support re: <u>456</u> SIXTH MOTION for Partial Summary Judgment. <i>and in opposition to plaintiffs' sixth motion for partial summary judgment.</i> Document filed by Department of Defense, Department of the Army. (Barcelo, Amy) (Entered: 04/01/2011)
04/01/2011	<u>458</u>	DECLARATION of Amy A. Barcelo in Support re: <u>456</u> SIXTH MOTION for Partial Summary Judgment.. Document filed by Department of Defense, Department of the Army. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Barcelo, Amy) (Entered: 04/01/2011)
04/18/2011	<u>459</u>	SUPPLEMENTAL MEMORANDUM OF LAW in Opposition re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by Central Intelligence Agency. (La Morte, Tara) (Entered: 04/18/2011)
04/18/2011	<u>460</u>	DECLARATION of Stephen W. Preston in Opposition re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by Central Intelligence Agency. (La Morte, Tara) (Entered: 04/18/2011)
04/18/2011	<u>461</u>	DECLARATION of Tara M. La Morte in Opposition re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by Central Intelligence Agency. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(La Morte, Tara) (Entered: 04/18/2011)
04/29/2011	<u>462</u>	REPLY MEMORANDUM OF LAW in Support re: <u>456</u> SIXTH MOTION for Partial Summary Judgment., <u>443</u> SIXTH MOTION for Partial Summary Judgment. <i>and Opposition to Defendant's Sixth Motion for Partial Summary Judgment.</i> Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Abdo, Alexander) (Entered: 04/29/2011)
05/03/2011	<u>463</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Alicia L. Bannon dated 5/2/11 Re: Plaintiffs respectfully request that they be permitted to file their reply brief on Friday, May 6, 2011. ENDORSEMENT: So ordered. (Replies due by 5/6/2011.) (Signed by Judge Alvin K. Hellerstein on 5/2/11) (rjm) (Entered: 05/03/2011)
05/06/2011	<u>464</u>	SUPPLEMENTAL REPLY MEMORANDUM OF LAW in Support re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Bannon, Alicia) (Entered: 05/06/2011)
05/06/2011	<u>465</u>	DECLARATION of Alicia L. Bannon in Support re: <u>254</u> MOTION for Contempt and Sanctions.. Document filed by American Civil Liberties Union, Center for Constitutional Rights, Inc., Physicians for Human Rights, Veterans for Common Sense, Veterans for Peace. (Attachments: # <u>1</u> Exhibit 53, # <u>2</u> Exhibit 54, # <u>3</u> Exhibit 55)(Bannon, Alicia) (Entered: 05/06/2011)
05/13/2011	<u>466</u>	REPLY MEMORANDUM OF LAW in Support re: <u>456</u> SIXTH MOTION for Partial Summary Judgment.. Document filed by Department of Defense, Department of the Army. (Barcelo, Amy) (Entered: 05/13/2011)
07/05/2011	<u>467</u>	ORDER: The parties are required to appear for an Oral Argument (sixth motion for partial summary judgment) set for 7/20/2011 at 03:00 PM in Courtroom 14D, 500 Pearl Street, New York, NY 10007 before Judge Alvin K. Hellerstein. It is ORDERED that counsel to whom this Order is sent is responsible for faxing a copy to all counsel involved in this case and retaining verification of such in the case file. Do not fax such verification to Chambers. (Signed by Judge Alvin K. Hellerstein on 7/5/2011) (ab) (Entered: 07/05/2011)
07/05/2011	<u>468</u>	ORDER: The parties are required to appear for an Oral Argument (motion for contempt sanctions) set for 8/1/2011 at 03:00 PM in Courtroom 14D, 500 Pearl Street, New York, NY 10007 before Judge Alvin K. Hellerstein. It is ORDERED that counsel to whom this Order is sent is responsible for faxing a copy to all counsel involved in this case and retaining verification of such in the case file. Do not fax such verification to Chambers. (Signed by Judge Alvin K. Hellerstein on 7/5/2011) (ab) (Entered: 07/05/2011)
07/21/2011	<u>469</u>	SUMMARY ORDER GRANTING DEFENDANTS' SIXTH MOTION FOR PARTIAL SUMMARY JUDGMENT AND DENYING PLAINTIFFS' SIXTH MOTION FOR PARTIAL SUMMARY JUDGMENT, For the reasons stated on the record of proceedings, I deny plaintiffs' sixth motion for partial summary judgment and grant defendants' sixth motion for partial summary judgment. The Clerk shall mark the motions (Doc. Nos. 443 and 456) terminated. (Signed by Judge Alvin K. Hellerstein on 7/21/11) (pl) Modified on 7/21/2011 (pl). (Entered: 07/21/2011)
10/03/2011	<u>470</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Lawrence S. Lustberg dated 9/28/2011 re: Counsel for the Plaintiff writes in response to the Court's invitation to comment upon the CIA's summary of its new policies regarding document preservation, which the agency submitted

		to the Court on September 21, 2011. ENDORSEMENT: The Clerk will file this letter in the Court file. (Signed by Judge Alvin K. Hellerstein on 10/3/2011) (ab) (Entered: 10/03/2011)
10/05/2011	<u>471</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Tara La Morte dated 8/18/2011 re: Counsel writes to notify the Court that the agency has finalized and adopted the protocols. ENDORSEMENT: The Clerk shall file this letter in the public record of this case. (Signed by Judge Alvin K. Hellerstein on 10/5/2011) (jfe) (Entered: 10/05/2011)
10/05/2011	<u>472</u>	OPINION AND ORDER DENYING MOTION TO HOLD DEFENDANT CENTRAL INTELLIGENCE AGENCY IN CIVIL CONTEMPT re:#100885 <u>254</u> MOTION for Contempt and Sanctions filed by American Civil Liberties Union: Because plaintiffs already have achieved substantial remedial relief and would be entitled to no further relief if I were to find the CIA in civil contempt, I deny plaintiffs' motion to hold the CIA in contempt. The Clerk shall mark the motion (Doc. No. 254) terminated. (Signed by Judge Alvin K. Hellerstein on 10/5/2011) (ab) Modified on 10/11/2011 (jab). (Entered: 10/05/2011)
10/06/2011	<u>473</u>	SEALED DOCUMENT placed in vault.(mps) (Entered: 10/06/2011)
10/11/2011	<u>474</u>	TRANSCRIPT of Proceedings re: Argument held on 7/20/2011 before Judge Alvin K. Hellerstein. Court Reporter/Transcriber: Khristine Sellin, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/4/2011. Redacted Transcript Deadline set for 11/14/2011. Release of Transcript Restriction set for 1/12/2012.(McGuirk, Kelly) (Entered: 10/11/2011)
10/11/2011	<u>475</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Argument proceeding held on 7/20/11 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 10/11/2011)
10/28/2011	<u>476</u>	TRANSCRIPT of Proceedings re: Argument held on 8/1/2011 before Judge Alvin K. Hellerstein. Court Reporter/Transcriber: Denise Richards, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/21/2011. Redacted Transcript Deadline set for 12/1/2011. Release of Transcript Restriction set for 1/29/2012.(McGuirk, Kelly) (Entered: 10/28/2011)
10/28/2011	<u>477</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Argument proceeding held on 8/1/11 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 10/28/2011)
05/21/2012	<u>478</u>	TRUE COPY OPINION of USCA as to <u>439</u> Notice of Appeal, filed by Veterans for Peace, Veterans for Common Sense, Physicians for Human Rights, American Civil Liberties Union, Center for Constitutional Rights, Inc., <u>431</u> Notice of Appeal filed by Department Of Justice, Central Intelligence Agency USCA Case Number 10-4290-cv(L). The judgment of the District Court is hereby AFFIRMED in part, and REVERSED in part. We affirm the judgment of the District Court insofar as it sustained the Government's withholding of records relating to the CIA's use of waterboarding and the photograph of Abu Zubaydah. We reverse that part of the judgment that requires the Government either to disclose the classified information in the OLC memoranda and the transcript of the District Court's ex parte, in camera proceeding, or to substitute language proposed by the District Court. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 05/21/2012. (nd) (Entered: 05/22/2012)
07/16/2012	<u>479</u>	MANDATE of USCA (Certified Copy) as to <u>439</u> Notice of Appeal, filed by Veterans for Peace, Veterans for Common Sense, Physicians for Human Rights, American Civil Liberties Union, Center for Constitutional Rights, Inc., <u>431</u> Notice of Appeal filed by Department Of Justice, Central Intelligence Agency USCA Case Number 10-4290(L), 10-4647(con), 10-4289(xap), 10-4668 (xap). Ordered, Adjudged and Decreed that the judgment of the District Court is AFFIRMED in part, REVERSED in part in accordance with the <u>478</u> opinion of this Court. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 07/16/2012. (nd) (Entered: 07/17/2012)

07/17/2012		Transmission of USCA Mandate/Order to the District Judge re: <u>479</u> USCA Mandate,,. (nd) (Entered: 07/17/2012)
08/13/2012	<u>480</u>	Costs Taxed as to <u>479</u> USCA Mandate,, USCA Case Number 10-4290(L), 10-4647(con), 10-4289(xap), 10-4668 (xap).. in the amount of \$4,142.80. Docketed as Judgment #12,1492 on 8/13/2012 in favor of Department of Justice, and its component offices of Legal Counsel, Central Intelligence Agency against American Civil Liberties Union et al. (nd) (Entered: 08/14/2012)
09/28/2012	<u>481</u>	ORDER CLOSING CASE: As all proceedings in this case have been completed, the Clerk shall mark the case closed, subject to restoration by any party within thirty days by filing an appropriate motion or otherwise showing good cause. (Signed by Judge Alvin K. Hellerstein on 9/28/2012) (jfe) (Entered: 09/28/2012)